

## USCIS Reaches H-1B Cap for 2019

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### Intro:

Mr. Andrew Cuevas, Esq., is the President of Cuevas, Garcia & Torres, P.A., and Vantage Property Title Company. Mr. Cuevas has been practicing law since 1993 in the area of Business Immigration Law and Commercial transactions, including commercial and residential real estate transactions and business acquisitions for foreign investors. If you have any questions regarding this article or any other questions, you can contact Mr. Cuevas at (305) 461-9500 or at [acuevas@cuevaslaw.com](mailto:acuevas@cuevaslaw.com). If you are interested in reading previous newsletters, please visit [www.cuevaslaw.com](http://www.cuevaslaw.com), select the icon for **Newsletters**, and then choose the area of law you are interested in.

## USCIS Reaches H-1B Cap for 2019

On April 6, 2018, United States Citizenship and Immigration Services (USCIS) announced that it has reached the congressional-mandated 65,000 H-1B visa cap for fiscal year 2019. USCIS has also received a sufficient number of H-1B petitions to meet the 20,000 visa U.S. advance degree exemption, known as the master's cap. U.S. businesses use the H-1B program to employ foreign workers in occupations that require highly specialized knowledge in fields such as science, engineering and computer programming.

USCIS received 190,098 H-1B petitions during the filing period, which began April 2, including petitions filed for the advance degree exemption. The agency will reject and return all unselected petitions with their filing fees unless the petition is a prohibited multiple filing.

USCIS conducted the selection process for the master's cap first. All unselected master's cap petitions then became part of the random selection process for the 65,000 cap.

USCIS will continue to accept and process petitions that are otherwise exempt from the cap. Petitions filed for current H-1B workers who have been counted previously against the cap, and

who still retain their cap number, will also not be counted toward the FY 2019 H-1B cap. USCIS will continue to accept and process petitions filed to:

- Extend the amount of time a current H-1B worker may remain in the United States;
- Change the terms of employment for current H-1B workers;
- Allow current H-1B workers to change employers; and
- Allow current H-1B workers to work concurrently in a second H-1B position.

**For additional information regarding the H-1B Visa process, please feel free to contact our office.**

*This article is solely a partial explanation of all the issues related to the topic of this newsletter, and is not to be considered legal advice. Persons interested in obtaining more information should consult with their legal counsel to obtain explanations of all issues addressed herein.*