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*Immigration & Nationality Law*

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***H-1B Visa Lottery Reminder & Forecast***  
*December 21, 2016*

The [H-1B visa](#) permits organizations to employ foreign workers for professional-level, “specialty occupations” requiring at least a specialized U.S. bachelor’s degree. There is an annual, basic quota of 65,000 visas and an additional quota of 20,000 for individuals with at least a U.S. master’s degree.<sup>1</sup> Within a one-week period in early-April of 2016, the U.S. Citizenship and Immigration Services (USCIS) [received nearly 236,000 petitions](#) for new H-1B visas, [151,000 more than were available](#). Under the current system, the soonest a quota-subject petition may be filed is **April 1, 2017**. Employers should identify candidates in need of H-1B sponsorship, which includes current employees on Optional Practical Training (OPT), students on Curricular Practical Training (CPT), or possibly others located outside of the U.S. Prudent employers should act early, identify sponsorship needs, and initiate the process, if possible, by early-February.

Over the last three years, the number of quota-subject petitions filed has exceeded the supply by a total of 386,500, so there is little doubt that 2017’s quota will be exhausted. However, there is [substantial speculation](#) about the future of the H-1B and other employment-related visa programs. Given the upcoming change of Administrations, 2017’s H-1B quota season could be the end of an era. In *Star Wars* terminology, there has been a “disturbance in the force.” The potential for change could be positive if the incoming Administration and Congress focus on the positive effects the H-1B program has had on growth, innovation, and job creation opportunities for U.S. workers. There is also the potential that irrational fear could negatively impact the program, increase burdens, and diminish its potential benefits. Employers of H-1B workers can impact the potential outcome by informing their members of Congress of the program’s benefits to their organizations. Employers and their employees have a heck of a lot to lose.

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<sup>1</sup> Employees of institutions of higher education, non-profits adequately affiliated with such institutions, and non-profit research organizations can file quota-exempt petitions. Similarly, an individual granted a quota-subject H-1B in the last six years is generally exempt from the quotas (ex. existing employees in H-1B visa status).