



U.S. Citizenship and Immigration Services

USCIS Announces FY 2020 H-1B Cap Season Start, Updates, and Changes

Simple, smart changes to make the H-1B visa program work better

WASHINGTON — U.S. Citizenship and Immigration Services (USCIS) today announced the start of the fiscal year (FY) 2020 H-1B cap season, start dates for premium processing of cap-subject H-1B petitions, and the launch of its new H-1B data hub, while reminding petitioners of its new H-1B cap selection process. These new efforts underscore the agency’s commitment to supporting President Trump’s Buy American and Hire American executive order designed to protect U.S. workers.

“USCIS continually strives to improve the administration of the H-1B program and make it work better for employers, our agency, and U.S. workers,” said USCIS Director L. Francis Cissna. “We are also committed to fulfilling the president’s Buy American and Hire American executive order, one of the principal goals of which is to protect the interests of U.S. workers in the administration of our immigration system, in part by promoting the proper functioning of the H-1B visa program. Our new H-1B data hub will make information more accessible to the public, and the new selection process will help make the system more meritorious and better protect the wages of U.S. workers. Additionally, our two-phased approach to premium processing will make the process more effective and efficient for employers and USCIS.”

Start of FY 2020 Cap Season

USCIS will begin accepting H-1B petitions subject to the FY 2020 cap on April 1, 2019, and will reject any FY 2020 cap-subject H-1B petitions filed before April 1. H-1B petitioners must follow all statutory and regulatory requirements as they prepare petitions to avoid delays in processing and possible requests for evidence. [Form M-735, Optional Checklist for Form I-129 H-1B Filings \(PDF, 262 KB\)](#), provides detailed information on how to complete and submit an FY 2020 H-1B petition.

Premium Processing for FY 2020 Cap-Subject Petitions

Premium processing will be offered in a two-phased approach during the FY 2020 cap season so USCIS can best manage the premium processing requests without fully suspending it as in previous years. The first phase will include FY 2020 cap-subject H-1B petitions requesting a change of status and the second phase will include all other FY 2020 cap-subject petitions.

Starting April 1, FY 2020 cap-subject H-1B petitioners requesting a change of status on their [Form I-129, Petition for a Nonimmigrant Worker](#), may request premium processing by **concurrently** filing [Form I-907, Request for Premium Processing Service](#). However, to prioritize data entry for cap-subject H-1B petitions, USCIS will not begin premium processing for these petitions immediately. USCIS will begin premium processing for these petitions no later than May 20, 2019, and will notify the public before premium processing begins for these petitions. If a petitioner does not file Form I-907 concurrently with an FY 2020 H-1B cap-subject petition requesting a change of status, the petitioner must wait until premium processing begins to submit Form I-907. Until premium processing begins for these petitions, USCIS will reject any Form I-907 that is not filed concurrently with a cap-subject Form I-129. Petitioners must appropriately select response “b” for Item 4 in Part 2 of Form I-129 to be eligible to concurrently file Form I-907.

Premium processing for all other FY 2020 cap-subject H-1B petitions will not begin until at least June 2019. Cap-subject petitioners not requesting a change of status may not submit their premium processing request concurrently with their H-1B petition. These petitioners will be eligible to upgrade to premium processing by filing Form I-907 once premium processing begins for this group. USCIS will notify the public with a confirmed date for premium processing for cap-subject petitioners not requesting a change of status.

At this time, premium processing for H-1B petitions that are exempt from the cap, such as extension of stay requests, remains available.

New H-1B Data Hub

USCIS is also announcing the new H-1B Employer Data Hub that will be available on uscis.gov on April 1. The data hub is part of USCIS' continued effort to increase the transparency of the H-1B program by allowing the public to search for H-1B petitioners by fiscal year, [NAICS industry code](#), company name, city, state, or zip code. This will give the public the ability to calculate approval and denial rates and to review which employers are using the H-1B program.

New H-1B Cap Selection Process

In January, the Department of Homeland Security [announced a final rule](#) amending regulations governing cap-subject H-1B petitions, including those that may be eligible for the advanced degree exemption. The final rule reverses the order by which USCIS selects H-1B petitions under the H-1B regular cap and the advanced degree exemption, which will be in effect for the FY 2020 cap season. This simple change increases the chances that more of these visas will be granted to those with an advanced degree from a U.S. institution of higher education.

The [H-1B program](#) allows companies in the United States to temporarily employ foreign workers in occupations that require the application of a body of highly specialized knowledge and a bachelor's degree or higher in the specific specialty, or its equivalent. Congress has set a cap of 65,000 H-1B visas per fiscal year. An advanced degree exemption from the H-1B cap is available for 20,000 beneficiaries who have earned a U.S. master's degree or higher from a U.S.

institution of higher education. The agency will monitor the number of petitions received and notify the public when the H-1B numerical allocations have been met.

For more information on the H-1B cap, and to subscribe to H-1B cap season email updates, visit the [H-1B FY 2020 Cap Season page](#). For current Form I-129 processing times, visit the [Check Case Processing Times page](#).

For more information on USCIS and our programs, please visit uscis.gov or follow us on Twitter ([@uscis](#)), Instagram ([/uscis](#)), YouTube ([/uscis](#)), Facebook ([/uscis](#)), and LinkedIn ([/uscis](#)).

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