

General H-1B Information for International Students

Cap-subject H-1B Timeline

March

- Registration period exact dates will shift from year to year
- Employer submits a form and fee for each employee for whom they wish to sponsor an H-1B
- After registration period closes & before April 1 USCIS randomly selects and informs employer for whom they can file an H-1B petition

April 1

- •Government can receive H-1B petitions up to 6 months before requested start date
- Earliest day employer may file an H-1B petition with an October 1 start date

October 1

- Start of Federal fiscal year
- Cap-subject H-1B visas become available
- Earliest start date for H-1B visas in this fiscal year

On the day USCIS receives the cap-subject change of status H-1B petition your employer filed...

If you are	You may
Working with valid OPT EAD	Continue working until October 1 while awaiting petition adjudication
Within your 60-day grace period after your EAD end date	Stay in the country while awaiting petition adjudication

Questions you should ask your employer if they are filing an H-1B petition for you:

- 1. Is the employer subject to the H-1B cap?
- 2. Will the petition be filed as a change of status or as consular processing? What does this mean for my status?
- 3. When will the petition be filed? What start date are you requesting? What does this mean for my status?

Disclaimer: The materials in this handout have been prepared for general informational purposes only. It does not constitute legal advice or serve as a substitute for legal counsel. The OIS cannot answer any questions about your employer's H-1B request.