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Immigration Update: Naturalization Hurdles; H-1B Cap Races

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Happy Chinese New Year! This month's Olympic events: Naturalization hurdles and H-1B Cap races.

New Naturalization Application Delves Deeper

On February 5, United States Citizenship and Immigration Services (USCIS) released a revised, 21-page N-400 Application for Naturalization (N-400). The new N-400 will replace the existing 10-page form and will be the only version accepted after May 5, 2014. In addition to a barcode incorporated on the bottom of each page to more efficiently capture form data, the revised N-400 includes additional questions to conform with the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 and Child Soldier Prevention Act of 2007. Applicants must now respond to expanded and often very technical questions pertaining to his or her good moral character and past affiliations with terrorist groups, prisons, militias and military training. The new N-400 also requires detailed information regarding the Applicant's children and parents, and contains a section requesting the applicant's detailed work and educational history for the past five years. The last few pages of the N-400 are used to gather data from individuals and interpreters who assisted in the preparation of the application for someone else, and provide a place for an interpreter's certification of fluency in both languages. Immigration officials have indicated that the new form, despite its increased length, will be ultimately easier and faster to process due to the barcode enhancements.

The changes to the N-400 include numerous complex and technical terms, and those with limited English may find it more difficult to complete the N-400 without assistance. Additional information about this revised N-400 (and an instructional video) is available [here](#).

H-1B Cap FY2015- Runners, Take Your Marks!

As the snow begins to melt and spring approaches, many are making preparations for the whirlwind that is the H-1B Cap season. Holding an H-1B visa allows foreign workers to be hired by U.S. employers for temporary employment in specialty occupations.

Last year (and for the first time since 2008), USCIS reached the statutory H-1B cap of 65,000 for fiscal year 2014 in less than one week after the filing period and received more than the 20,000 available H-1B petitions filed under the advanced degree exemption. The H-1B Cap applies to filings for workers seeking H-1B classification for the first time or who have been outside the U.S. for a year and are starting over on the six-year maximum period of stay.

USCIS begins accepting Cap-subject H-1B petitions on April 1, 2014 for FY2015, and will continue to accept them until it has received sufficient petitions to meet the cap. Last year, USCIS received approximately 124,000 H-1B petitions during the initial five-day period and used a lottery selection process to choose 65,000 (and 20,000 applicants with advanced degrees) from among the filings it received. As a prerequisite to filing the H-1B petition, an employer must first file and obtain approval of a Labor Condition Application (LCA) from the Department of Labor. The LCA process generally takes about a week from filing to approval, but this

process could take longer for new employers who have not previously filed LCAs in the Department of Labor system and who need to have their Federal Employer Identification Number verified.

USCIS will not begin accepting Cap-subject H-1B petitions until April 1, but any employers seeking to obtain an initial H-1B classification for a prospective or current employee are urged to plan ahead and begin paving the path to H-1B filing now.

USCIS statistics and information regarding last year's H-1B Cap is available [here](#).