

H-1B ELECTRONIC REGISTRATION PROCESS

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U.S. Labor, Employment and Workplace Safety Alert

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On Friday, December 6, United States Citizenship and Immigration Services ("USCIS") announced that it successfully completed a pilot of the online H-1B registration system and will move forward with implementing the system for the upcoming fiscal year 2021 H-1B cap season. The initial H-1B cap registration period will run from March 1, 2020 through March 20, 2020. USCIS will provide additional updates, including filing timelines and step-by-step instructions for submitting cap entries, in the coming weeks. Additionally, USCIS plans to conduct public outreach activities to ensure registrants are familiar with the new system.

Employers will be required to submit an online registration form for each prospective H-1B candidate, including those eligible for the advanced degree exemption, and pay a \$10 fee for each registration. Once the number of registrations meets the H-1B caps, USCIS will run a lottery on the pool of registrations no later than March 31. Employers will then be eligible to file cap-subject H-1B petitions on behalf of beneficiaries whose registrations are selected. The new online H-1B registration system will not change the total number of H-1B visas currently allotted for each fiscal year.

As in previous years, employers should identify all potential H-1B employees by February 14, 2020 to allow sufficient time to analyze petition eligibility and meet the March registration period.

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