



LEGAL UPDATES

Employment Alert: USCIS to Open Registration for Cap-Subject H-1B Petitions on March 1, 2020

02/14/2020 | 2 minute read

On January 9, 2020, U.S. Citizenship & Immigration Services (USCIS) formally announced its implementation of a new electronic registration process for cap-subject H-1B petitions. At issue are H-1B cases that are subject to the Congressionally mandated annual quota of 85,000, including 20,000 reserved for those with U.S.-earned master's or higher degrees. Historically, employers submitted their full H-1B petitions, with supporting materials, for consideration under the quota during the first five business days in April. If USCIS received enough petitions to meet the annual quota during that period, it ran a random selection process ("lottery") and notified employers whether their petitions were selected for processing.

The new registration process is designed to modernize the H-1B program, increase efficiency and save costs. Employers are now required to electronically register for the lottery by providing basic information about their business and their prospective H-1B worker(s) and paying a \$10 registration fee per candidate. The registration is scheduled to open at noon EST on March 1, 2020, and close at noon EST on March 20, 2020. Once the registration period has closed, USCIS is expected to conduct an initial random selection process and notify registrants by March 31, 2020, if their cases are selected. For selected cases, registrants will have a 90-day window to submit their full H-1B petitions, with supporting materials, for processing.

Employers with prospective H-1B workers should contact their immigration attorneys to initiate the registration process. Prospects may include those in student/F-1 status currently engaged in practical training, those working for another employer in a different nonimmigrant status, those who may wish to change their nonimmigrant status to H-1B from another status such as J-1 or TN, and those recruited from overseas.

Employers should be aware that USCIS will not accept registrations by U.S. mail — the only way to register is electronically. Duplicate registrations (by the same employer for the same candidate) are not allowed and will be rejected. Because demand for H-1B visas for the last several years has significantly exceeded the annual quota, registering cases during the designated period in March is likely the only chance employers will have to file cap-subject H-1B petitions this year.

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Gizie Hirsh

Partner

Kansas City

816.460.5848

gizie.hirsh@lathropgpm.com

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The H-1B visa category allows employers to hire foreign nationals in occupations that typically require at least a bachelor's level education in a specialized field. Examples include certain IT professionals, physicians, engineers, scientists, and teachers.

For more information about the H-1B process, reach out to [Gizie Hirsh](#).