

H-1B Employer Electronic Registration Process Finalized

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The USCIS has finalized its registration process for the next H-1B visa lottery, historically held annually whenever there have been more petitions for H-1B visas than available visas for the fiscal year. In FY2020, only five days into the filing period, there were 201,011 petitions for an available 85,000 visas (20,000 of which were reserved for qualifying professionals with advanced degrees from U.S. institutions).

Hoping to avoid the mayhem of receiving, , registering, processing, and adjudicating or rejecting hundreds of thousands of petitions in their entirety, USCIS is changing up how it selects who may apply for the visas in the future. Instead of receiving a tidal wave of petitions and then deciding what to do with each one, employers seeking to file H-1B cap-subject petitions this coming year must first electronically register and pay a \$10 H-1B registration fee. The H-1B random selection process, if needed, will then be run on those electronic registrations. Only those with selected registrations will be eligible to file H-1B cap-subject petitions. According to [the USCIS announcement](#), USCIS “will post step-by-step instructions informing registrants how to complete the registration process on its website along with key dates and timelines as the initial registration period nears.” The initial registration period for FY 2021 H-1B cap-subject petitions is anticipated to run from March 1 to March 20, 2020.

Certain petitions are exempt from the annual numerical limitations, including petitions for:

- Beneficiaries who currently hold H-1B status or have already been counted against the H-1B cap within the past six years (unless eligible for a new six year period)
- Beneficiaries who will work for employers that are institutions of higher education or related or affiliated nonprofit entities, nonprofit research organizations or governmental research organizations
- J-1 visa physicians who have obtained an appropriate waiver

Please contact your LMWF immigration professional with questions about this, or to request assessment for eligibility for an H-1B visa.

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