

USCIS Formally Announces Implementation of Electronic H-1B Registration Process

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Yesterday, U.S. Citizenship and Immigration Services (USCIS) published a [Federal Register notice](#) to formally announce the implementation of the H-1B registration process for fiscal year 2021 H-1B cap-subject petitions.

USCIS caps the number of new H-1B petitions (H-1B petitions not exempt from the numerical limit placed on the amount of foreign workers authorized to work in the United States annually under H-1B status, or already counted against the cap) at 85,000 annually. This includes 20,000 visas available to qualifying beneficiaries who have earned a U.S. master's degree or higher and are working in a related field (commonly known as the "advanced degree exemption"), and 65,000 visas available to all other qualifying beneficiaries with a bachelor's degree or higher in the field in which they plan to work in the U.S. (commonly known as the "regular cap").

Historically, demand for H-1B visas has far exceeded availability, resulting in an annual lottery for which cases will be adjudicated—which was held after a sufficient number of petitions were filed during the initial filing period. Demand has so greatly outpaced available visas in previous years, that this lottery has caused confusion, frustration and wasted costs for petitioners and beneficiaries, and significant delays in H-1B visa processing by the USCIS. The new system is intended to pre-select which sponsoring companies may submit which H-1B visa petitions, saving everyone involved time, hassle and costs incurred in preparing, submitting and adjudicating petitions.

The agency will open an initial registration period from March 1st-March 20th, 2020, for the FY 2021 H-1B numerical allocations.

- During this timeframe, H-1B cap-subject petitioners, including those eligible for the advanced degree exemption, seeking to file a FY 2021 H-1B cap petition will be required to first register electronically with USCIS and pay the associated \$10 H-1B registration fee for each submission.
- Prospective petitioners or their authorized representatives must electronically submit a separate registration naming each alien for whom they seek to file an H-1B cap-subject petition. Duplicate registrations are prohibited.
- If more than a sufficient number of registrations are received, USCIS will randomly select the number of registrations projected as needed to reach the FY 2021 H-1B numerical allocations after the initial registration period closes, and notify registrants with selected registrations no later than March 31, 2020.
- Prospective petitioners with selected registrations will be eligible to file a FY 2021 cap-subject petition only for the alien named in the registration and within the filing period indicated on the eligibility notice.

USCIS will not consider a cap-subject H-1B petition to be properly filed unless it is based on a valid, selected registration for the same beneficiary and the appropriate fiscal year, unless the registration requirement is

suspended. While petitioners can register multiple aliens during a single online submission, a petitioner may only submit one registration per beneficiary in any fiscal year. If a petitioner submits more than one registration per beneficiary in the same fiscal year, all registrations filed by that petitioner relating to that beneficiary for that fiscal year will be considered invalid.

If you would like more information on the H-1B visa program or submitting a FY 2021 H-1B petition, please contact a professional in our [Immigration Practice](#).

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