



FY2021 H-1B Registration Fact Sheet for Employers

What Is New?

USCIS has created a new process for filing H-1B cap-subject petitions that will begin for the FY2021 season. Under this new process, employers seeking to file FY2021 H-1B cap-subject petitions, including those eligible for the advanced degree exemption, must first electronically register and pay an associated \$10 fee for each electronic registration they submit to USCIS. An employer's registration must be selected by USCIS before a petition can be submitted for a prospective employee. Note, however, the H-1B registration regulations specifically provide that "USCIS may suspend the H-1B registration requirement at any time if it determines the registration process is inoperable for any reason."

How Does This Impact Me?

This new process changes the timing of the H-1B cap-subject petition process. In prior years, all fully prepared H-1B cap-subject petitions were filed the first five business days of April and USCIS then ran a lottery based on the petitions received during that time period, but employers would not know if their petition was selected weeks, or sometimes months later.

Under the new system, the timing for filing an H-1B petition now starts earlier. First, an electronic registration with basic information about the employer and beneficiary must be submitted between March 1 – March 20, 2020. Then, if needed, USCIS will run a lottery from the registrations it received during that period and will electronically notify you or your attorney if you have been selected, no later than March 31, 2020. If your registration is selected, then you will have at least 90 days to file the corresponding fully prepared H-1B cap-subject petition beginning on April 1. If your registration is not selected, you will be placed on a waitlist in case more petitions can be filed at a later date.

As part of the registration, an online non-refundable payment of \$10 for each registration will be required to be submitted by you or your attorney using the pay.gov portal by ACH from a bank account, a credit card, or a debit card. This fee is in addition to filing fees submitted with the petition.

What Should I Do Now?

Schedule a meeting with an immigration attorney in advance of the registration period to discuss prospective H-1B petitions to determine whether the job and the individual would qualify for an H-1B and the timing to file your H-1B petition. To do this, you should:

- ✓ Contact an immigration attorney.
- ✓ Begin gathering all relevant information about the job and the prospective employee's qualifications.
- ✓ Starting February 24, set up an employer account on [MyUSCIS](#) as an "H-1B registrant." See USCIS's PowerPoint [presentation](#) for more details. Call our office with any questions.
- ✓ Be prepared to discuss with our office your expectations for processing your case and how quickly it needs to be filed if selected, including what you would need to if your registration is not selected, or in the worst case USCIS suspends the registration process.

Important Registration Dates

- February 24: Employers may begin creating myUSCIS H-1B registration accounts
- March 1: Registration period opens
- March 20: Registration period closes
- By March 31: USCIS conducts the lottery and electronically notifies selected registrants
- April 1: Filing period begins for selected cases ONLY

If you want more information about filing FY2021 H-1B petitions or to learn if you might be eligible for immigration benefits or relief, speak to a reputable immigration lawyer. Go to www.ailalawyer.org to connect with a lawyer in your area.