

## H-1B Registration Lottery Schedule Announced \$10 to Enter

Alert

02.10.2020

By Renée Mueller Steinle

As we [previously advised](#), the H-1B lottery process is undergoing changes for cap-subject employers. The H-1B is the most common professional work visa, limited by a numerical quota of 65,000 regular cap approvals per year, plus an additional 20,000 for foreign nationals with a U.S. master's degree or higher. Some employers, such as institutions of higher education, are exempt from the cap. For the first time this year, cap-subject employers seeking H-1B workers will complete a registration process that requires basic information about the company and foreign national and is then entered into random selection process. Only employers whose registrations are chosen can proceed with filing H-1B petitions, which must take place within 90 days of selection.

U.S. Citizenship and Immigration Services (USCIS) recently announced the schedule for this new process.

- 2/18/2020: Attorney representatives can create an online registration account through myUSCIS.
- 2/24/2020: Employers create registration account.
- 3/1/2020: H-1B registration opens.
- 3/20/2020: H-1B registration closes.
- 4/1/2020: H-1B petitions may be filed for registration for selected petitioners.

In prior years, employers filed a complete H-1B petition with USCIS and awaited notification of selection in the lottery. Filing petitions that were ultimately not selected resulted in unnecessary paperwork and costs for the employer and also for USCIS. The new process offers employers a shot at selection without the

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investment of preparing and filing a complete petition. Given the new lower cost for entry into the lottery, employers are highly incentivized to fully consider any potential H-1B candidates they may want to sponsor.

## HOW EMPLOYERS CAN PREPARE:

- Review current list of employees who are working under curricular practical training (CPT) or optional practical training (OPT) status. Even though some of these foreign nationals may have the option to further extend their Employment Authorization Document (EAD) with a STEM extension, we recommend registering in the lottery to have more chances for selection.
- Review any current openings and consider sponsorship for applicants currently overseas who have not been granted H-1B status within the last six years, or for past employees.
- Consider employees in other nonimmigrant statuses with temporary employment authorization (such as H-4 EAD, L-2 EAD) whose employment authorization is outside of the employer's control.

The outcome of the new process is uncertain and it is likely that the new registration system will increase the overall number of entries, resulting in increased competition for already scarce H-1B numbers. Please contact us for a case analysis and assistance with the H-1B registration and petition filing process. We can help you to ensure that your H-1B registrations are complete, timely and limited to cases that can ultimately be approved.

## CONTACTS

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