



# USCIS Drastically Changes H-1B Cap Processing

Insights

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For the first time ever, federal immigration authorities will be implementing an electronic registration system for H-1B petitions that is intended to simplify the annual process. In a December 6 announcement, U.S. Citizenship and Immigration Services (USCIS) revealed that employers seeking to file H-1B cap-subject petitions for Fiscal Year 2021's season – which will run from March 1 to March 20, 2020 – will be required to electronically register and pay a \$10 registration fee. "The electronic registration process will dramatically streamline processing by reducing paperwork and data exchange," the agency said in the announcement, "and will provide an overall cost savings to petitioning employers."

## The Basics

As most are aware, there has been a significant demand for H-1B visas – which permit employers to temporarily employ foreign workers in specialty occupations requiring the application of specialized knowledge and a bachelor's degree (or its equivalent) – since the rise of the high-tech industry. The demand has been so great, in fact, that USCIS has been holding lotteries to choose which petitions would be processed.

Under the new plan, however, employers will be able to enter the annual lottery without preparing a full petition or assembling supporting documentation until they find out that they are actually selected. Instead, for each registration, you will simply need to provide basic information about your organization and the H-1B applicant.

The random selection process will be run on these electronic registrations, if necessary. Only those employers with selected registrations will be eligible to file an H-1B petition for that applicant. You will then have 90 days to file the actual H-1B petition.

## What's Next?

As the initial registration period nears, USCIS has promised to provide specific instructions on the registration process, including important dates and timelines, on its website.

Fisher Phillips will continue to monitor the legal and practical impact related to this announcement, so make sure you are subscribed to [our alert system](#) to gather the most up-to-date information. For help with compliance steps or to answer questions, please contact your Fisher Phillips attorney or any attorney in our [Global Immigration Practice Group](#).

*This Legal Alert provides an overview of a specific federal development. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

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