



CHANGES TO THE H-1B VISA PROCESS FOR FISCAL YEAR 2021



Next April, U.S. Citizenship and Immigration Services (USCIS) is set to implement an online pre-registration process for H-1B CAP subject petitions



This completely changes the current process to apply for the limited number of H-1B visas



The system will require that employers submit an online registration form for each prospective H-1B candidate before filing season begins in April



The public will receive 30 days notice of the opening of the registration period



USCIS will conduct a lottery of the registrations and will send selection notices to successful Petitioners



Successful registrations will then be permitted to file full H-1B petitions for adjudication on behalf of Beneficiaries whose registrations were selected



USCIS has also proposed to charge a \$10 fee for each registration



Registrations will consist of providing basic information about the employer, employee, job and the employee's education



This program will likely give preferential treatment to Applicants with U.S. Master's degrees in their field



Employers may now wait until they have been notified of selection before submitting a Labor Condition Application to the Department of Labor and preparing the corresponding H-1B petition on behalf of the beneficiary named in the selected registration



This should mean a more cost-effective H-1B Cap season for employers



Employers will be able to better predict how many H-1B employees they are likely to be able to employ in the coming fiscal year



Employers are encouraged to contact immigration counsel to determine a satisfactory timeline for the preparation and execution of planned H-1B cap-subject petitions