



GMS Flash Alert

Immigration Edition

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United States – USCIS Green Lights H-1B e-Registration for FY2021 Cap Season

The United States Citizenship and Immigration Services (USCIS) has announced the electronic registration requirement will be implemented for the next H-1B cap lottery.¹ The rule was published in the *Federal Register* on January 31, 2019 and will be effective for the FY 2021 cap season.² (For prior coverage, see [GMS Flash Alert 2018-159](#), December 11, 2018.)

The electronic registration process and the registration fee are effective December 9, 2019, and will apply to applications submitted during the FY2021 H-1B cap registration period and future registration periods.

WHY THIS MATTERS

- Following a successful pilot test phase, this will be the first time an electronic pre-registration process will be used. Employers, therefore, will need to follow new procedures for the FY2021 H-1B cap registration period.
- Employers seeking to file H-1B cap-subject petitions for the FY 2021 cap must first electronically register and pay the associated \$10.00 USD H-1B registration fee per application.
- Employers will need to include pertinent information regarding the foreign employee, including information related to the employment position and the employee's highest level of education. Employers need to be prepared to obtain such information and complete the online form in its entirety.
- The H-1B random selection process, commonly referred to as the H-1B lottery, will then be conducted on the electronic registrations submitted during the open registration period and only those with selected registrations will be eligible to file complete H-1B cap-subject petitions.
- The agency's goal in implementing the electronic registration system is to streamline H-1B cap processing by reducing paper-work, at the same time providing an overall cost savings to H-1B sponsoring employers.

Background

The H-1B program allows companies in the United States to temporarily employ foreign workers in specialty occupations requiring a bachelors or higher degree, or its equivalent. Annually, USCIS selects at least 65,000 H-1B visas under the H-1B regular cap and reserves another 20,000 visas for those holding advanced degrees from U.S. higher education institutions. When USCIS determines that it has received a sufficient number of H-1B petitions to reach the congressionally-mandated H-1B cap, a computer-generated random selection process, or lottery, is used to select the petitions that are counted towards the H-1B cap.

USCIS had postponed the electronic registration requirement for the FY 2020 cap season to complete user testing and ensure the system was fully functional.³ After a successful pilot testing phase, the USCIS is now prepared to implement the electronic registration system in the next H-1B lottery.

More Details on Electronic Registration System

USCIS will open an initial registration period from March 1 through March 20, 2020 for petitioning employers to complete the electronic registration process.

Employers will be required to register for each beneficiary separately and each employer may not submit more than one registration per beneficiary. Under the revised H-1B cap process, employers will need to submit a short online form providing basic information about the employing entity and the prospective foreign employee, in order to register for the lottery. Along with the foreign employee's highest level of education, the online form is also expected to request information related to the offered position.

Additional information including step-by-step instructions informing registrants how to complete the registration process, along with key dates and timelines will be published at a later date. The agency also intends to conduct public engagements and outreach activities so that registrants and other interested parties are familiar with the new registration process.

KPMG NOTE

Employers should identify individuals requiring H-1B visa sponsorship and finalize job offers to these applicants well ahead of the March 1, 2020 open registration period. KPMG Law LLP in Canada will continue to monitor the situation, and will endeavor to keep *GMS Flash Alert* readers informed as developments occur.

FOOTNOTES:

1 See: "[USCIS Announces Implementation of H-1B Electronic Registration Process for Fiscal Year 2021 Cap Season](#)" on the USCIS website.

2 See "[Registration Requirement for Petitioners Seeking To File H-1B Petitions on Behalf of Cap-Subject Aliens](#)," in the *Federal Register* (online) of January 31, 2019.

3 For a brief background of the [H-1B program](#), see our December 11, 2018 [report](#).

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in Canada:



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