

Practice Update

Deadline Rapidly Approaching To Register Online for H-1B Visa Lottery

March 4, 2020

By [Rachel L. Perez](#)

The rush is on: U.S. employers looking to hire foreign professionals through H-1B sponsorship must register online for the annual lottery by noon (12:00 pm) EST on March 20, 2020. Employers petitioning for cap-subject H-1B hopefuls are required to register electronically through myUSCIS and pay a \$10 registration fee to be entered in the yearly draw. The H-1B online registration process is an entirely new procedure that is being rolled out by the U.S. Citizenship and Immigration Services (USCIS) for the first time this year. While employers may try to reduce costs for visa expenses by submitting an H-1B registration without the assistance of an attorney, Akerman recommends retaining experienced immigration counsel to facilitate the electronic H-1B registration process so as to avoid unintended mishaps and intervene in the event that a software glitch occurs. Employers that do not submit a proper electronic H-1B registration by March 20 will not be eligible to file an H-1B visa petition with USCIS during the Fiscal Year (FY) 2021 H-1B cap season.

On December 6, 2019, the USCIS announced that the annual H-1B lottery will be administered through an online registration system for the upcoming quota filing period. The electronic registration system is expected to “provide an overall cost savings to petitioning employers” while dramatically

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streamlining the lengthy H-1B adjudication process by reducing paperwork and data exchange, according to the federal immigration agency. Petitioning companies should be aware that USCIS intends to hold employers accountable for frivolous registrations with the expectation that H-1B petitions will be filed for selected registrants.

To register online by March 20, petitioning employers will need to create an H-1B registrant account through the [myUSCIS webpage](#), and complete an online form that solicits basic information about the company as well as each foreign national they intend to sponsor. One registration with an accompanying \$10 filing fee is required per foreign national. Employers will be able to designate legal counsel by electronically submitting a completed and signed Form G-28, Notice of Entry of Appearance as Attorney. If the federal immigration agency receives enough registrations by March 20 to reach the 85,000 annual quota, USCIS will randomly select registrations and send selection notifications via users' USCIS online accounts. USCIS intends to notify account holders by March 31, 2020. Only those employers selected in the lottery will then be able to file complete H-1B petitions—including the requisite Department of Labor certified Labor Condition Application and government filing fees—with USCIS for adjudication within 90 days of notification of selection.

While the new electronic registration system promises increased governmental efficiency, the capability of USCIS' online system to accommodate a high volume of registrants is cause for concern among employers. In January 2019, thousands of U.S. employers were left in limbo when the Department of Labor website crashed due to unprecedented demand for H-2B seasonal worker visas. In light of these concerns, employers should quickly identify foreign nationals eligible for H-1B sponsorship and complete the online H-1B

registration process for qualified candidates as soon as possible before the March 20 deadline.

Akerman's experienced immigration counsel is available to assist employers with the H-1B registration and visa petition process and will continue to keep clients abreast of developments as they occur.

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