

USCIS Proposes Additional Changes To The H-1B CAP Process

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Earlier this year, on January 31, 2019, the U.S. Department of Homeland Security (DHS) amended its H-1B regulations governing petitions filed under the H-1B CAP visa lottery, to now require employers filing H-1B CAP petitions to first register online.

Only those employers whose registrations are electronically selected in the lottery will then be able to file their H-1B CAP petitions with USCIS. While the final rule was scheduled to become effective on April 1, 2019, DHS suspended the electronic registration requirement for the FY 2020 H-1B CAP filing season in order to complete user testing of the proposed registration system. It is expected that the new electronic registration system will be used for the FY 2021 H-1B CAP season in April 2020.

On September 3, 2019, the U.S. Citizenship and Immigration Services (USCIS) released a notice of proposed rulemaking that would require all employers seeking to file H-1B CAP petitions in fiscal year (FY) 2021 to pay a \$10.00 fee for each electronic registration they submit to USCIS for the H-1B CAP selection process. In its announcement, USCIS reiterated that it is an office funded by filing fees collected for case adjudication services. It also stated that the proposed fee would recover costs associated with the implementation and maintenance of the new H-1B electronic registration system.

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