



January 16, 2020

Registration Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Cap-Subject Aliens

USCIS has implemented a mandatory online H-1B CAP filing procedure. Registration and filing must occur between March 1 and March 20.

Historically, H-1B petitioners would have to file an entire H-1B application between April 1 and April 5, of each year to obtain a new H-1B visa. USCIS only offers 85,000 H-1B visas every year, but receives between 200,000 and 300,000 applications. To address this issue, USCIS implements a lottery procedure, randomly selecting 85,000 petitions, and rejecting the rest.

Now, rather than file a complete paper petition, USCIS has implemented an on-line pre-registration platform so that it can implement its lottery digitally. The Initial H-1B petition registration period will begin on March 1, 2020. Starting on that date, USCIS will require H-1B cap-subject petitioners, including those eligible for the advanced degree exemption, to first register electronically with USCIS and pay the associated H-1B registration fee before being eligible to properly file an H-1B Cap-subject petition for the fiscal Year 2021 H-1B numerical allocations. USCIS intends to close the initial registration period on March 20, 2020 and will announce the actual end date on its website. After the initial registration period closes, USCIS will conduct the initial selection process, and petitioners with selected registrations will be eligible to file and H-1B cap-subject petition for those selected registrations during the associated filing period.

There is a fee of \$10 for each registration submitted for the H-1B cap selection process. A petitioner may only submit one registration per beneficiary in any fiscal year. If a petitioner submits more than one registration for the same beneficiary in the same fiscal year, USCIS will consider all registrations filed by that petitioner for that beneficiary for that fiscal year invalid.

Online pre-registration is mandatory. Before a petitioner can file an H-1B cap-subject petition, including those eligible for the advanced degree exemption, the petitioner **must** first electronically register with USCIS. USCIS will provide step-by-step instructions on its [website](#), at an undisclosed future date.

USCIS will notify selected registrants with permission to file a complete application within a defined filing period.

To view the full USCIS announcement please click [here](#).

If you have questions related to your H-1B filing, please contact your Kutak Rock attorney. You may also visit us at www.KutakRock.com.

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