

IMMIGRATION ALERT: H-1B Lottery and Filing Period Approaching

The H-1B cap lottery registration system is in its second year of implementation. Opening on March 9, 2021, the registration process includes the following:

- Employers will submit a simplified informational page online for each H-1B beneficiary whom they wish to sponsor. This online registration will require only basic information about the company and each professional being sponsored. This will serve as the employer's lottery application.
- The lottery application period will be open for 16 days, from March 9-25, 2021 with employers and their representatives submitting registrations through an online portal.
- A \$10 H-1B registration fee must be paid for each H-1B e-filed registration submitted for lottery applicants.
- The H-1B random selection process will be conducted from the e-filed registrations during March 26-30, 2021 following which employers will be notified that they are lottery winners..
- Employers whose registrations are selected will be eligible to file H-1B petitions within 90 days following notification.
- Random Selection Approach has been retained: Despite issuance of a new rule as would have heavily favored lottery applicants at the highest wage levels, that rule has been deferred into at least next year's lottery, its future now being uncertain.

U.S. Citizenship and Immigration Services will publish detailed instructions on how to complete the online registration process and other important timelines and dates. We will provide further updates as they become available.

H-1B Program Background: H-1B work visas generally are for professionals who hold at least a Bachelor's degree or its equivalent. The degree must be relevant to the offered job. The "prevailing wage" must be paid to the foreign national who can then be approved for an initial period of up to three years, renewable up to a total of six years.

Employers seeking H-1B status for current or potential employees should contact the Jaffe Immigration Team ASAP and no later than in early March to avoid missing the H-1B "cap season."

We will provide updates as they become available. Please feel free to contact any attorney in our immigration law group at Jaffe if you should have questions.

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