

Are you prepared for the new registration process for the Fiscal Year 2021 H-1B Lottery?

FEBRUARY 3, 2020

Authors: [H. Alan Rothenbuecher](#), [Margarita S. Krncevic](#)

U.S. Citizenship and Immigration Services (“CIS”) is now requiring that employers register on myaccount.uscis.gov and pay a one-time ten (10) dollar registration fee in order to participate in the Fiscal Year 2021 H-1B Visa Cap-Subject lottery.

The registration will require more in depth client involvement than in previous years. Attorneys can prepare and edit a draft registration, but only clients can electronically approve the information in the registration. In addition, the registration has a two-factor authentication system, which requires the attorney to register their G-28 on the system and send a passcode to the employer, who then reviews and approves the G-28 electronically. Once the attorney is designated as the legal representative for a specific registration, the attorney can pay the \$10 fee.

The registration period commences on Sunday, March 1, 2020 and closes on March 20. However, CIS **may** close the registration period prior to May 20. Therefore, we are recommending that clients who hope to have the option of filing an H-1B Visa Cap-Subject Petition to submit their registration within the first few days of the registration period. Bundled registrations are not recommended and may not work effectively with this new system. Accordingly, employers should complete individual registrations for each intended H-1B Petition.

Once the registration period officially closes, CIS will notify successful registrants, no later than March 31, that they have been selected to proceed with filing an I-129 Petition. Employers are discouraged from registering with CIS unless they are certain to proceed with a Petition if selected. Otherwise, civil and criminal penalties may result, and employers may be barred from participating in future H-1B lotteries.

Given that employers may only have a small period of time from actual notification to the opening of the H-1B filing period, employers are encouraged to work with their attorneys to prepare petitions in advance. This is critical because CIS is scrutinizing certain “specialty occupations,” especially those in the computer industry. Thus, determining in advance of the registration period whether a position could even qualify for the lottery process is important. Ideally, employers should notify their attorneys by mid-February that they may need H-1B visas for FY 2021.

For more information on this topic, please contact a member of the firm's [Immigration Practice Group](#):

[Alan Rothenbuecher](#) at arothernbuecher@beneschlaw.com or 216.363.4436

[Margarita Krncevic](#) at mkrncevic@beneschlaw.com or 216.363.6285