

ALERTS

Immigration Update: USCIS Reaches H-1B Cap for FY 2021

MVA COVID-19 Resource Center
03.2020

H-1B Electronic Registration Selection Process Completed

U.S. Citizenship and Immigration Services (USCIS) announced that the annual limit for Fiscal Year (FY) 2021 H-1B cap-subject petitions has been met and that the lottery selection process has been completed.

As a reminder, the annual H-1B cap is set at 65,000, with an additional 20,000 numbers available for individuals who have earned an advanced degree from an accredited U.S. educational institution. Once these caps have been reached, employers will be unable to file new cap-subject H-1B petitions until April of 2021.

Lottery Results Notification

USCIS has indicated that it intends to notify employers of selections results by March 31st. All registrants are being notified of selection through their USCIS online registration account.

For each registered beneficiary, the USCIS online account will show one of the following statuses:

- **Submitted:** The beneficiary was not initially selected. However, a registration status may continue to show "Submitted" after the initial selection process has been completed. "Submitted" registrations will remain in consideration for selection until the end of the fiscal year, at which point all registration statuses will be Selected, Not Selected, or Denied.
- **Selected:** The beneficiary was selected to file a FY 2021 H-1B cap-subject petition.
- **Denied:** A duplicate registration was submitted by the same registrant for the same beneficiary, or a payment method was declined and not reconciled. If denied as a duplicate registration, all registrations the employer submitted for the specific beneficiary are invalid.

Only petitioners with selected registrations may file H-1B cap-subject petitions for FY 2021, and only for the beneficiary in the applicable selected registration notice.

Next Steps for Employers & Foreign Nationals

Beginning April 1, 2020, USCIS will start accepting petitions on behalf of those selected in in the lottery. The filing period for each petition is listed on the registration notice and all FY 2021 H-1B cap petitions must be submitted during this period. As previously announced, USCIS has temporarily suspended premium

IMMIGRATION UPDATE: USCIS REACHES H-1B CAP FOR FY 2021

processing for H-1B cap cases.

MVA will be reviewing the USCIS registration system and notifying employers of selections. For those selected in the lottery, MVA will be proceeding with the next steps for timely filing the petition with USCIS.

If you have questions regarding the H-1B cap or any other related inquiries, please contact an MVA Immigration Team Member.