

H-1B CAP

What is the Cap?

- **Annual limit of H-1B visas:**
 - 65,000 Regular H-1Bs + 20,000 U.S. Master's or higher H-1Bs
- **Lottery**
 - If more H-1B registrations are received than visas available = Lottery
 - Lottery = Computer-Generated (Random Selection), first all registrants, then U.S. Master's or higher registrants not selected initially
- **Specialty Occupation**
 - Minimum Requirement: Bachelor's Degree in a specialized field



General Timeline

- **January** - Employers identify H-1B Cap candidates (registrants) and inform Immigration Counsel
- **February** - Immigration Counsel + Employer + H-1B registrant work on Pre-Registration Groundwork (see more below)
- **March** - Registration & Lottery selection is from **March 1st - March 18th**
- **April** - Filing of H-1Bs for selected registrations begins
- **June** - Filing of H-1Bs for selected registration ends
- **July** - Second lottery (potential)
- **Oct 1st** - Effective start date of approved H-1B



Pre-Registration Groundwork

Employers:

- **Jan-Feb** - Identify H-1B registrants and designate authorized signatory
- **Feb-Mar** - Set up myUSCIS account and become familiar with myUSCIS account
- **Mar** - Approve Attorney representation & H-1B registrations ("Hand Shake")
- Work with Immigration Counsel to:
 - Establish eligibility of H-1B cap registrants, positions, wages, location
 - Have a plan for those on OPT, STEM OPT, CPT, or any other immigration status
 - Have a plan for Premium Processing usage



Foreign Nationals:

- Provide educational credentials, immigration and other documents.
- Passport expirations - renew, if needed
- Credential evaluation, if needed
- **Consider and plan for the inability to travel abroad during this process**



Registration & Lottery Selection

- Employers and their Attorneys create & update myUSCIS accounts for H-1B cap registrations
 - Attorney prepares registration and G-28 as authorized representative
 - "Hand Shake" - USCIS issues passcode for Attorney to give to Employer who uses passcode in their account to approve Attorney and H-1B registration(s)
 - Attorney receives approval of representation & can continue to work for Employer
- Preparation of H-1B registrants' qualifications, specialized positions, wages & more
- Immigration counsel submits and monitors registrations
- Registration closes, USCIS conducts lottery & updates my USCIS account with "selected"

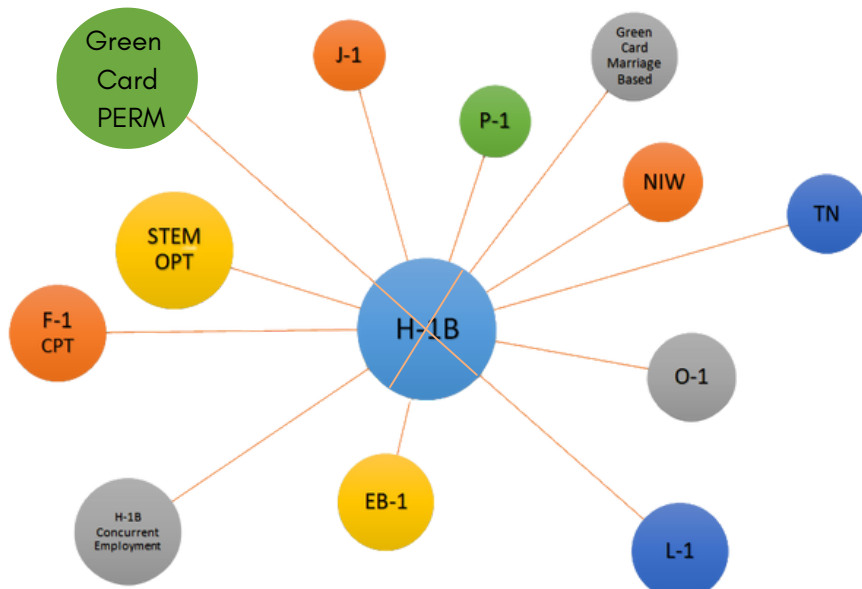
Selected H-1B Registrant - Now What?

Congratulations! Let's continue to prepare your H-1B Petition.
See also **H-1B Cap Selected: Now What** to learn more.



Not Selected - Options Beyond the H-1B?

- F-1 Student (CPT or STEM)
- Marriage to USC
- EAD as Dependent Spouse
- Working Overseas & L-1 or H-1B
- O-1
- EB Green Card
- Returning to Home Country
- Potential Future Lottery



***This material is not intended to substitute as legal advice.**