

H-1B Filing Season: Time to Review Visa Status Expirations for Foreign National Employees

Labor & Employment Law Update

By Jacqueline Lentini McCullough on March 1, 2021



With H-1B season upon us, it is time to review the visa status expirations for foreign national employees. There may be some who will need to change visa status to H-1B for continued employment with your company. For example, an F-1 international student who is employed based on his/her optional practical training may need

H-1B sponsorship. **Now is the time to see if anyone will need assistance with an H-1B petition.**

As you know, last year USCIS implemented a new electronic registration system for employers seeking to file H-1B cap-subject petitions for their foreign national employees. If your company already has an account in the my.USCIS.gov database, you will only need to register any new foreign nationals for purposes of being selected to file an H-1B petition during the registration period. The registration period begins March 9th and closes March 25, 2021. Once the registration period is over, USCIS will then run a random selection process on those electronic registrations. Only those with selected registrations will be eligible to file H-1B cap-subject petitions. Following the selection process, employers will have a 90-day window to file a petition for each registration selected. If insufficient H-1B cap-subject petitions are received by USCIS from the initial selected registrations then they may conduct a second lottery as was done in August 2020.

As we get closer to the H-1B registration dates, we will provide further guidance on the process of registering your foreign nationals. In order to meet the registration deadline, it is important to assess who among your foreign nationals will need a change of status to H-1B and will need to be registered in the

government system as soon as possible.

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