

NOW is the Time to Assess H-1B Visas for 2022!

Labor & Employment Law Update

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With the New Year upon us, it is time to begin the initial H-1B process for any interested companies or organizations with foreign workers. **Now is the time to see if anyone will need assistance with an H-1B petition.**

In 2019, USCIS implemented a new electronic registration system for employers seeking to file H-1B cap-subject petitions for foreign national employees. Last year, the registration period for foreign nationals ran from March 9 to March 25, 2021. We anticipate a similar timeframe this year. Once the registration period is over, the US Citizenship and Immigration Service will then run a random selection process on those electronic registrations. Only employers 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 the case(s) selected. If insufficient H-1B cap-subject petitions are received by USCIS from the initial selected registrations, then they may conduct a second or even a third lottery as has been done in the past.

It is therefore important for employers to assess who among their 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.