

# H-1B Contingency Planning After the Cap and Other Updates

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# Agenda

- Quick hit on updates
- Options when H-1B is not selected in lottery



# Updates

- Cap season is over - all cases registered by 3/29
- Window for filing 4/1 - 6/29 (90 days)
- NIV Ban expired 3/31 - Geographical travel bans continue
- National Interest Exemption - criteria changed 3/2 (more difficult)
- Visas are processing but delay is inevitable - worry about India lockdown in the future and loss of visa services
- No new silly things 😊
- EAD filings and H-4 Filings continue to be a problem - reportedly lawsuit is in the settlement phase
- Expect backlogs for next year or so!



# H-1B Lottery: what to do if not picked/or case denied

- Benchmarked with other firms - roughly 28-30% acceptance - horrific outcome (some clients shut out and others with small number of acceptances) - consulting companies may have gamed the system (multiple filings for individuals)
- Status quo - stay in current status (TN/L/F) till next year
- Switch to dependent status - receive work authorization (timing is currently difficult) [for L-2/J-2/E Dependent]
- Go back to school - seek F-1 CPT to continue working (cobble together time)
- Consider the J-1 option/O-1 option



# H-1 Lottery (Cont'd)

- More involved options:
- Cdn transfer/international placement/GC fix
  - GC from US - if on F/L/TN
  - GC from outside US - consular process while working abroad (Expect Covid impacted delays)
- Options available depend on situation, investment and willingness to support process





# Questions?

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