

# H-1B Visa Cap 2022

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# What is the H-1B Cap Registration

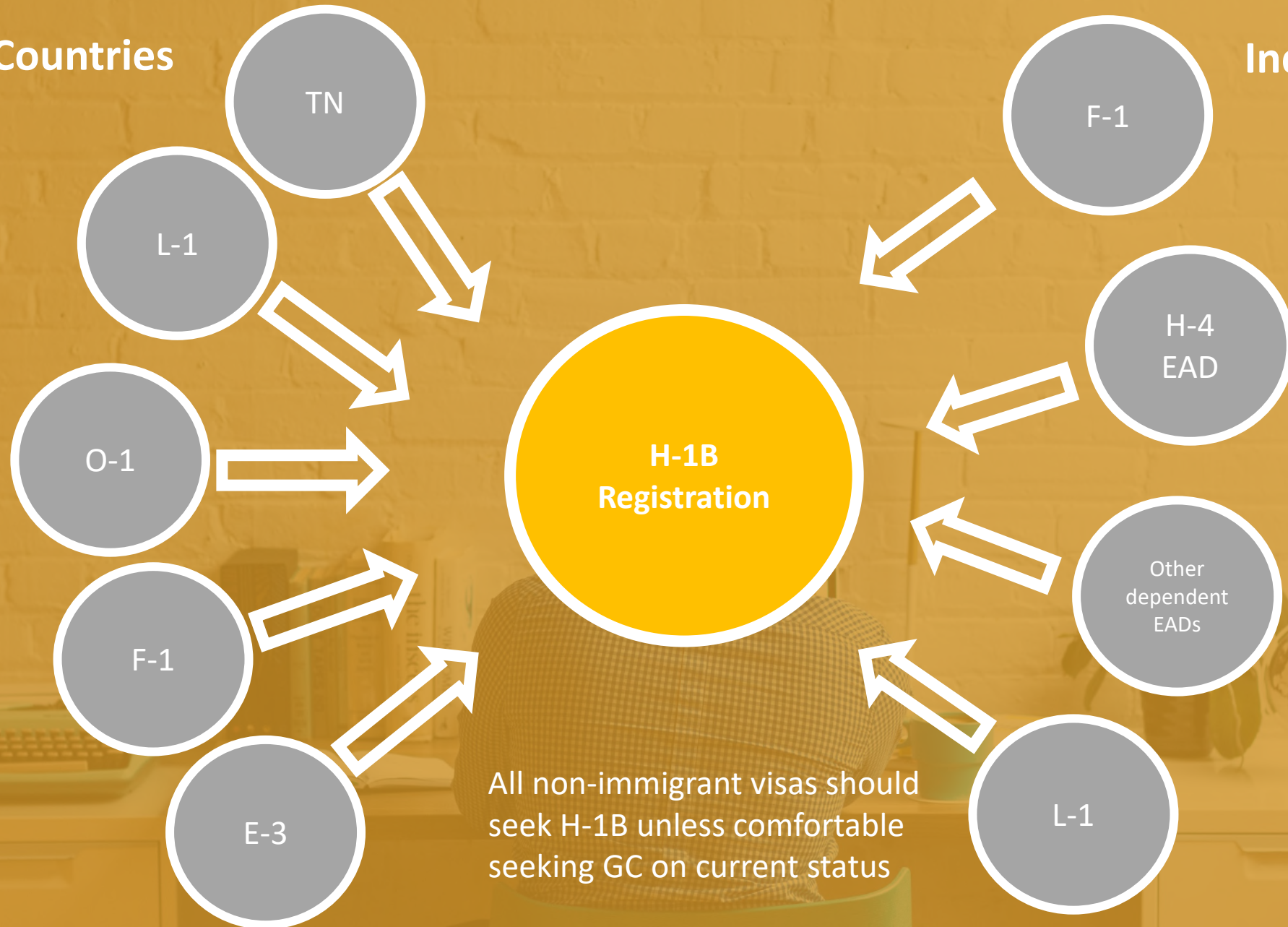
- First – what is an H-1B (specialty occupation)
- Cap registration - it's the new lottery – now in year 3
- Employers register current or future employees for Cap consideration
- Important dates:
  - March 1 – 18th (12 noon EST): Registration Open
  - March 21 – 31: Registration results issued
  - April 1 – June 29: 90-day H-1B filing window



# Our Approach – 2022

Other Countries

India/China



All non-immigrant visas should seek H-1B unless comfortable seeking GC on current status



# Our Process

- ~~1. Establish universe of possible H-1B registrations~~
- ~~2. Confirm final list with HR partners~~
- ~~3. Connect with employees and request docs~~
4. Receive all docs, determine case approach (including review SOC category and wage)
5. Ensure HR is on USCIS platform
6. Register employee in lottery (reverify list and handshake with HR)
7. After registration, confirm acceptance
8. After acceptance, file LCA, draft petition, and file prior to June 29, 2022

\*\*Note: Our email outreach is very comprehensive to all – please read/ask questions.



# Important Considerations

- We vet applications – ensure they have path to H-1B
- Duplicate registrations void registration – don't have multiple people registering
- Find everyone – some employers don't always report dependent EADs or F-1s – including new hires for spring/summer
- Reminder: non-acceptance in registration is not a denial
- Not being selected now may still be ok – waiting list (3 draws in 2021 – possibly a 4<sup>th</sup>)
- COS/Cap Gap folks and STEM allowance – important to understand base strategy/how it is designed to protect you
- Those about to graduate may be included – timing element
- Problem areas – multiple ERs? Travel... concerns about contingencies



# Some Common Scenarios

- My EAD expires on May 15<sup>th</sup> – this is my last shot – what happens if I get in? And do I have to stay this summer to qualify for cap gap?
- My brother is getting married in Istanbul in early May. How do I apply and still attend the wedding?
- I'm on OPT and I got accepted – should I still apply for a STEM EAD? My OPT expires on June 15<sup>th</sup>. Would the answer change if OPT expires on November 30<sup>th</sup>?
- I plan to apply for a green card – I'm on a TN, or in F-1 status (for next 3 years and from a country that is not backlogged – do I really need an H-1?
- My ER could place me in CA or MA – can I register twice?



# Questions?

Email [info@brownimmigrationlaw.com](mailto:info@brownimmigrationlaw.com)

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