

H-1B Visa Cap 2021 And New Updates

David Zaritzky Brown
Managing Partner
Licensed in U.S. and Canada
dbrown@brownimmigrationlaw.com



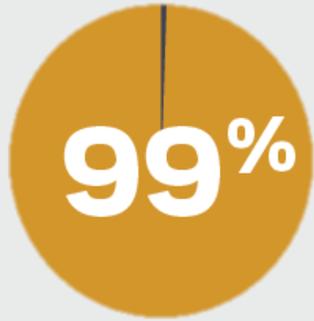
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Agenda

- What has happened/is happening
 - A mix of administrations...
- How does H-1B Cap Registration work



Our Value Proposition



**Over 99% Success
Rate**

Brown continues to succeed at over a 99% success rate every year



Maintain excellent relationship with

USCIS/DOS

Focus exclusively on **Immigration**

Serve all U.S. time zones in a **central location**



10 Attorneys, 29 staff – largest stand-alone boutique business immigration law firm in Midwest

Approach each case with a **bespoke strategy**



Provide a highly skilled legal team at a

lower cost by Midshoring



Utilize the **latest tech** available to support you



A Lot Has Happened Since December

- New DOL and DHS final rules slated for March 9 and 15th - 1st changes cap registration selection; 2nd changes PW calculation and requires PW for H-1 filing
- Muslim Travel Ban to be voided
- Exec Action to reunite separated families
- Reauthorization of DACA
- Introduction of new immigration legislation to create pathway for DACA/Undocumented/TPS - limited scope approach
- USCIS confirms significant delay for Appts and Fingerprints
- Pay close attention to travel - both current restrictions and future



What is the H-1B Cap Registration

- It's the new lottery - year 2
- Employers register current or future employees for Cap consideration
- Important dates:
 - March 1 - March 20: Registration Open (may remain open 3/22)
 - Last 1/3rd of March: Registration results issued
 - April 1- June 29: 90 Day H-1B filing window

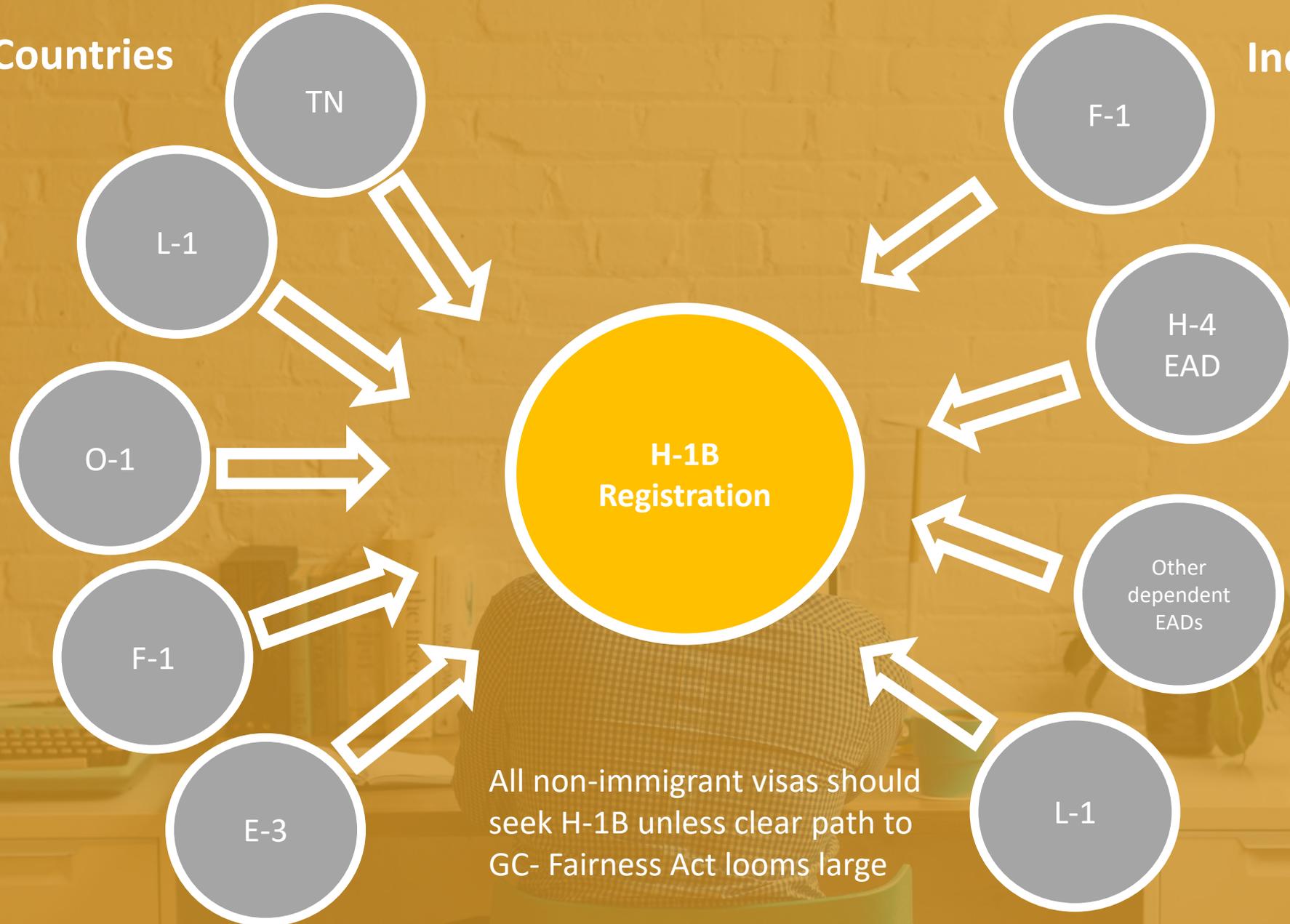
Alternate outcome - scrap registration - return to pure lottery and file complete application first five days of April
Unlikely to know for 4-6 weeks - changing of the guard



Our Approach - 2021

Other Countries

India/China



What we Expect

- Decreased volume of registrations - COVID Impact
 - Certain employers have cut down # of FN hires
 - Foreign consulting companies can't get visas issued
 - Less F-1 OPT folks in system
 - Self selection - people choosing somewhere safer
- Contrary Indications
 - For tech companies - still seeing strong hiring
 - Fairness Act is a concern for possible lengthier GC adjudications
 - Still a concern about dependent status - esp. H-4 EAD

All things considered expect a smaller # than last year - my guess
220k

What to pay attention to

- Only include registrations you anticipate hiring or have hired
- 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
- New hires for Spring/Summer
- Educating your own stakeholders on changes - reminder: non-acceptance in registration is not a denial
- Not being selected now may still be ok - waiting list



Important Considerations

- Will they scrap it and return to filing in April?
- Cap Gap folks - important that they are filed early (FIFO)
- Filing late as a strategy - for Bachelor's or Master's
- Reminder on Master's requirement elements
- How to manage multiple accounts, and ensuring clients confirm G-28
- What is the likelihood of success
- Filing for related companies [bonafide job offer]
- Ensure no duplicates are included



Our Process

1. Establish universe of possible H-1B registrations
2. Determine filing approach:
 - 1 Step -vs- 2 Step
 - May mix and match
3. Communicate approach to employees and request docs
4. 1 Step: Traditional prep with caveat - we don't file if not accepted
5. 2 Step:
 - Step 1- get all docs, determine case approach, draft LCA, file registration.
 - Step 2 - after acceptance: file LCA, draft petition and file
6. Anticipate registration in two waves - March 3/4 and March 18/19
7. 1 Step cases take priority in drafting - Plan March 31 filing
8. Contingency plan - what if registration scraped March 1st or March 15th ?



Questions?

Email info@brownimmigrationlaw.com

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