

PUBLICATION

H-1B Cap Alert – Key Dates for This Year's H-1B Registration Process

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It is that time of year again – H-1B cap season. The USCIS online system for H-1B cap registration will open for new employer (H-1B Registrant) account creation on March 2, 2021. Existing registration accounts created during last year's cap registration window may continue to be used for the FY 2022 registration period, which will open at noon ET on March 9, 2021 and close at noon ET on March 25, 2021. (The account creation function will remain open through the entire registration period.)

If an employer plans to sponsor foreign nationals for H-1B cap employment in FY 2022, it must have an active registration account as an H-1B Registrant in the USCIS system and provide their Baker Donelson Immigration Team with the required H-1B candidate information. Planning ahead will help ensure that employers complete the required registration steps by noon ET on March 25, 2021. All H-1B candidates must be registered during this period to be entered in the FY 2022 H-1B cap selection lotteries.

If your organization will need to create a new account, please reach out to your Baker Donelson immigration attorney who will be happy to provide you detailed account creation instructions. We will also guide you through the individual H-1B candidate registration process – employers are required to provide only a few details regarding each H-1B candidate they are sponsoring.

After the close of the registration period, the USCIS will run two H-1B cap lotteries between March 25 at 12:01 p.m. ET and March 31, 2021:

1. the first lottery will include all registered H-1B candidates – USCIS will use this lottery to select enough registrations to meet the regular H-1B cap of 65,000; and
2. the second lottery will include all registered advanced-degree cap candidates who were not selected in the first lottery. USCIS will use this lottery to select enough registrations to meet the H-1B cap exemption of 20,000 for holders of U.S. advanced degrees.

USCIS is expected to notify registrants and designated counsel of the lottery results by March 31, 2021. For each H-1B cap registration, USCIS will send an email to the employer's authorized signatory and immigration counsel and will indicate on the selection notice whether the applicant was selected under the advanced-degree or regular cap.

The H-1B petition filing period begins on April 1, 2021 and will end no earlier than June 30, 2021. All FY 2022 H-1B cap petitions must be submitted during this prescribed period – USCIS will not accept late filings.

If you have any questions, please contact the author or any member of Baker Donelson's [Immigration Team](#).