H-1B ELECTRONIC REGISTRATION

Minami Tamaki LLP | February 26, 2021

OVERVIEW

- What is the timeline for H-1B registration?
- What is the employer's role in the registration process?
- What are the next steps?
- What can you expect after registration submission?
- Recording, slides will be made available for download.

H-1B BASICS

- Specialty occupation workers: positions normally requiring a bachelor's degree in a specific specialty
- Limited to 65,000 NEW H-1Bs per year
 - Additional 20,000 slots for those with U.S. Master's degrees from a non-profit or public institution.
 - Earliest start date for H-1Bs is October 1 (start of fiscal year)
- If demand exceeds supply, USCIS selects based on random lottery
 - Lottery only applies to new cases, not extensions or transfers.

WHAT CHANGED?

Old System

- Must file full H-1B petition (including all forms, supporting docs, filing fee checks) in first five business days of April.
- If demand exceeds the annual cap, USCIS runs a lottery.
- If selected, petition gets a receipt notice (usually in April/May), and case processing continues.
- If not selected, petition is returned (usually in the summer months).

New System

- Must register all who wish to be considered in USCIS's electronic registration system.
- If registrations exceed the annual cap, USCIS runs the lottery and notifies those who were selected.
- Only those that get selected can submit a petition to USCIS. 90 day window to file.
- Those that are not selected will be held on reserve until the end of the fiscal year (September 30).
- Possible for registration to be suspended; if so, USCIS will revert to old system

SUBSTANTIVE IMPACT OF NEW SYSTEM

- Petition filing after selection (not registration) triggers legal implications
 - Under old system, petition filing window was first five business days of April
 - For those selected by March 31, petition filing window is April 1 June 30.
- Since the petition filing window is longer, this adds complexity to travel issues, but can also add flexibility
 - Example: if employee is in the U.S. and must travel in April, may file petition after employee returns (but before June 30)
- For those whose F-1 OPT expires before October 1: cap gap extension triggered by filing of petition
- Since the petition filing window extends into June:
 - College seniors may qualify as long as they can show proof of bachelor's degree by the filing deadline.
 - Individuals completing their U.S. master's degrees by June 30 can qualify for U.S. Master's Cap

H-1B REGISTRATION TIMELINE

- March 2-25, 2021: myUSCIS account signup (if you don't have an account)
- March 9-25, 2021 (9 AM Pacific 9 AM Pacific): H-1B registration window
- By March 31, 2021: USCIS will notify those who got selected in the lottery.
 - Those not selected will be held "in reserve" until September 30. May get selected at a later date. If not selected, USCIS will not confirm until after September 30.
- Last year:
 - March 1-20, 2020: H-1B registration window
 - Friday, March 27, 2020: USCIS announced that it had received enough registrations to meet the cap. At around 12 PM Pacific, started noticing sporadic updates in USCIS's web portal
 - Saturday, March 28, 2020 ~ 6 AM Pacific: USCIS started sending emails notifying employers and attorneys about case updates.

H-1B REGISTRATION TIMELINE

- April 1 June 30, 2021: Petition filing window for those selected in the initial batch.
 - May need to file earlier in the window if there is expiring work authorization without option to renew.
 - If selected from reserve, will get a different 90 day window to file petition.
- Last year: on Friday, August 14, 2020, USCIS conducted an additional round of selections. Filing window August 17-November 16, 2020.
 - We do not know if additional rounds of selections will occur this year.
- Sometime after September 30, 2021: notification of non-selection
 - For registrations filed in 2020, USCIS did not provide formal notification until February 7, 2021.
- October 1, 2021: earliest possible start date for approved H-1B petitions.

THE FIRST YEAR UNDER THE NEW SYSTEM

- Nearly 275,000 registrations received last year
- Significantly lower chances of selection for those without U.S. Master's degrees
- Despite high number of registrations, USCIS ran a second round of the lottery not enough petitions to meet cap
- Lots of technical issues learning experience for everyone
 - Nationally, approximately 100 H-1B registrations erroneously denied due to technical issues

THE IMPORTANCE OF LEGAL ASSESSMENT

- Still important to conduct legal assessment of cases prior to registration to ensure that they are approvable and assess for any other legal issues, such as timing of the petition filing if selected.
 - Documents/information requested of employers and employees has not changed
- USCIS may sanction employers who show a pattern of failing to file an H-1B petition for selected registrations.
- Duplicate registrations/filings not permitted.
 - An employer can only register an employee once; duplicate registrations will invalidate all registrations for that employee. However, employee can have multiple job offers from different companies.

WHAT GOES INTO AN H-1B REGISTRATION?

- From March 9-25, 2021 (9 AM Pacific 9 AM Pacific), USCIS will accept electronic registrations for those who wish to be considered in the H-1B lottery.
 - Registrations are collected through myUSCIS portal.
 - Portal will not open for drafting until March 9
- Registration requires both employer and employee information. MT enters all of this information on behalf of the client.
 - Employer information: FEIN, headquarters address, authorized signatory name/title/contact information
 - Employee information: name, date of birth, country of birth, country of citizenship, passport, whether case will be filed under US Master's category
- If registering multiple candidates, can be submitted in batches up to 250.

WHAT DOES THE PROCESS LOOK LIKE?

- Attorneys prepare registrations and submit to employers.
- Registration is then digitally "signed" by the employer and sent back to attorney.
- No employee signature required.
- Date of registration does not affect chances of selection, as long as registered within window.
- \$10 fee; MT will handle submission of payment and bill as a cost.
- Registrations can be edited before submission. If already submitted, can delete (to avoid duplicate) and submit new registration – during registration period only.
- If selected, attorney will get notification that there is an update in the portal.
 Employer will also see update in their account. Not possible for employee to check on their own.

EMPLOYER'S MYUSCIS ACCOUNT

- Employers are required to have their own myUSCIS accounts.
 - Each myUSCIS account can only be tied to one registrant (company).
 - A group of companies with centralized immigration functions will need separate accounts for each company.
- Do not need to sign up again if you:
 - Already have an account from last year
 - Signer has not changed and email address is also the same
- We recommend ONE myUSCIS account per company.
 - This is due to the digital handshake process

EMPLOYER'S MYUSCIS ACCOUNT

- Accounts require two-factor authentication, so attorneys cannot sign up on behalf of clients.
- NEW H-1B registrant accounts will not be available until Tuesday, March 2 at 9 AM Pacific; recommend that you do not sign up until then. (Incorrect account type difficult to correct.)
- We will send step-by-step instructions. Will preview in this presentation as well.

WHO SHOULD SIGN UP FOR MYUSCIS?

- Must be available to log in, review, sign registrations between March 9-25
- Owner of myUSCIS account will coordinate with MT, digitally "sign" the registration
 - Reminder: logging in to myUSCIS requires 2 factor authentication
- Should be someone who is involved day-to-day in immigration
 - H-1B registration is a pre-requisite to filing not an actual government filing.
 - Much less information provided than in a usual government filing.
- Recommend ONE myUSCIS account per company.
 - Digital handshake process for each batch of registrations is tied to ONE specific email address.

DIGITAL HANDSHAKE PROCESS

- Process requires "digital handshake" with employers.
- MT will prepare registrations on behalf of clients.
- Once we've prepared and reviewed the registration, we will submit the registration(s) to employers.
- As part of the submission process, the system generates an access code in the attorney account.
 - This code is tied to one email address/myUSCIS account.
- MT will provide the access code to the employer.
- Employer (on their own myUSCIS account) accesses registrations we prepared using code provided.
- Employer approves registrations and signs. If changes needed, can reject and email us with the necessary changes.
- Once approved, attorneys can submit to USCIS and pays \$10 filing fee. Submission only complete once we have paid.
- Employer handshake adds time, coordination to the process.
- Clients with a high volume of registrations to submit: we will coordinate on submitting in batches.

DUPLICATE REGISTRATION WARNING

- If employers register individuals directly on their own, we will NOT be aware.
 - If an employer registers an individual that we've already registered, this will be a duplicate registration.
- Employees cannot register themselves.
 - Form will require "authorized signatory" from the company.
 - If employees somehow register themselves, we will NOT be aware.
- Duplicate registrations will result in invalidation of all registrations by your company for that particular individual.
- NEVER submit payment through myUSCIS for a case we are handling.

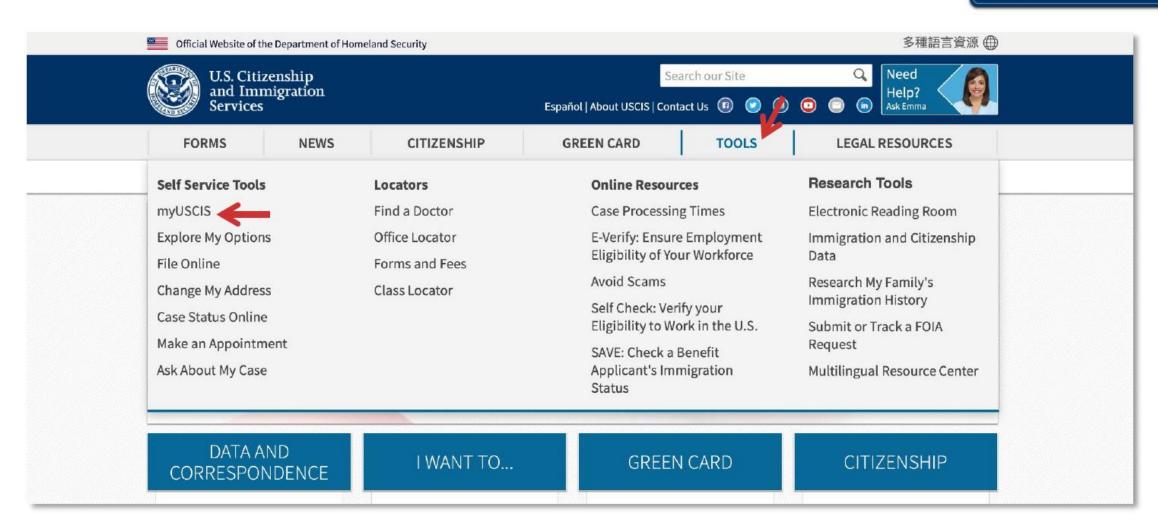
MYUSCIS ACCOUNT SIGN UP (MARCH 2 – MARCH 25)

- Sign up for new accounts will not be available until March 2
- If you already have an account, do not sign up for a new one
- We will send step-by-step instructions and coordinate to confirm signer information



NAVIGATING TO myUSCIS









myUSCIS makes immigration simpler

myUSCIS provides a personalized account to help you navigate the immigration process. On myUSCIS, you will find:

- Up-to-date information about the application process for immigration benefits:
- Tools to help you prepare for filing and help finding citizenship preparation classes: and
- · Information to help explore your immigration options.

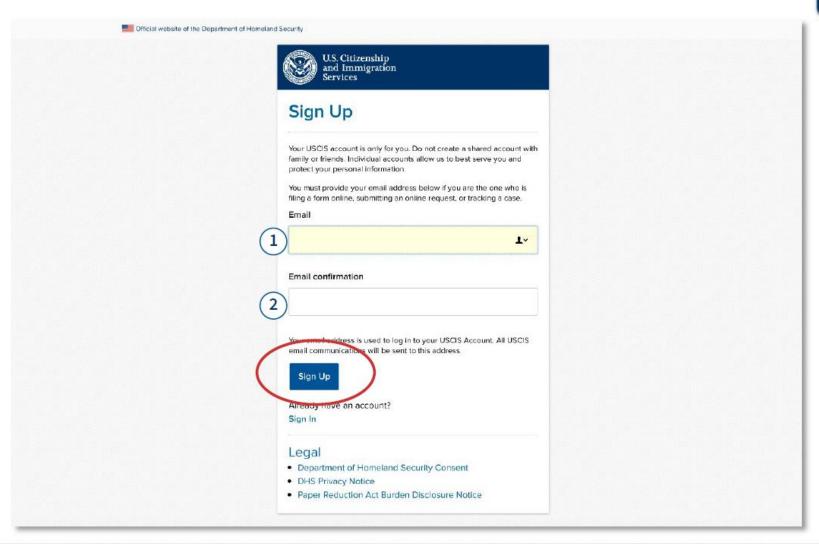
Sign up

Try us on mobile

You can use myUSCIS anytime and on any device.

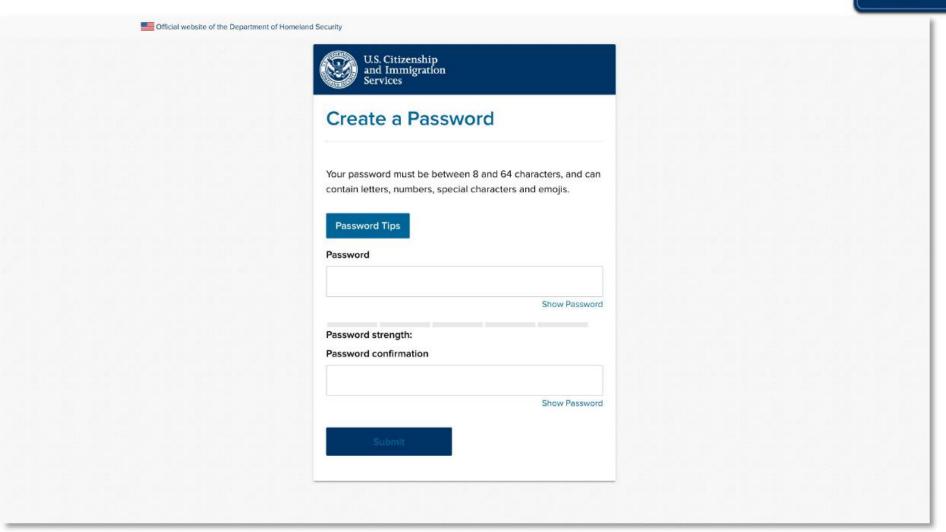
















Two-Step Verification Method Every time you log in, you will be given a verification code. What is your preferred method to receive your verification code? Use an Authentication App What is an Retrieve codes from an authentication app Authentication (such as Authy or Google Authenticator) on App? your mobile device. SMS Text Message Receive a text message to your mobile device when signing in. Email Receive an Email when signing in. You can use most Time-Based, One-Time Password (TOTP) applications for added security, which will ask you to enter a unique verification code generated by the selected application on your mobile device. USCIS advises that you read the privacy policies of any application you use, especially if you share any personal information. USCIS is not responsible for

the information collection practices of non-USCIS applications.

Submit





	IIS Citizonchin	
	U.S. Citizenship and Immigration Services	
p verification successful.		
	Provide Password Reset Answers	
	Set five security questions. You must remember the answers to these questions if you ever need to reset your password.	
	Question #1	
	What is the last name of your favorite childhood teacher? ▼	
	Question #1 Response	
	Question #2	
	In what city/town did you meet your spouse? ▼	
	Question #2 Response	
	Question #3	
	What is the name of the company of your first paid job? ▼	
	Question #3 Response	



H-1B ACCOUNT TYPE



Account Type

Select an account type:

- n an applicant, petitioner, or requestor.
- USCIS ally offers certain benefit types for online filling. Please refer to uscis.gov to, Surther guidance.
- You cannot file an H-N Registration on this account type.
- I am a Legal Representative.
 - I am an att ney eligible to practice law in the build States
 - Laran accredited representative of a qualified organizate. That is recognized by the Department of Justice in accordance with 8 CFR part 12s.

\rightarrow

- I am an H-1B registrant.
- A registrant account can be used only to submit H-1B Registrations.
- If you are an attorney or accredited representative that requires the submission of a Form G-28 and are submitting H-1B Registrations on behalf of an H-1B employer or agent, you must use a Legal Representative account.

Next

VERY IMPORTANT that you select "I am an H-1B registrant" (option will only be available after March 2, 2021 at 9 AM Pacific).

An email address can only be tied to one account type.

Otherwise, you will need to contact USCIS to delete the account, OR create a new one with another email address.

WHAT YOU CAN EXPECT DURING H-1B REGISTRATION

March 9-25, 2021





H-1B Registrations

The H-1B Registration period is open.

- The H-1B Registration period will open from noon Eastern Time on March 1, 2020 to noon Eastern Time on March 20, 2020.
- Submitting a H-1B Registration does not guarantee an H-1B Visa.
- . H-1B Registrations will NOT be accepted through the U.S. Postal Service.



*Dates in this year's portal will be updated for 2021: noon Eastern Time March 9, 2021 – noon Eastern Time March 25, 2021





H-1B Registrations

Account Settings

Enter a representative passcode

Once you enter your representative's passcode, we will take you to review and sign the G-28 and any other forms prepared for you by your attorney or accredited representative.

Enter your representative's online case access passcode

Passcode

MDB-E4B34-F369E-2D4D

Example: MDB-C6D49-2009F-038F

Submit and continue

Cancel

This code is tied to a specific email address.

Important that you alert us to any changes in H-1B registration signer right away.

If we get to this point, but the signer changes, we will have to draft the registration all over again.





Review the G-28 Review the G-28 Review all responses Accept or decline Review all responses Accept or decline Review the Notice of Entry of Appearance as Print Accept or decline the G-28 Attorney or Accredited Representative form If the information provided in the G-28 is complete, true, and correct, information you should continue to the signature page. Here is a summary of all the information you provided in your application. If anything is incorrect or missing, you should decline the G-28 and If anything is incorrect or missing, you should decline the G-28 on the next page and contact your contact your representative. We will allow your representative to edit representative. We will allow your representative to edit the information in the draft form, and resend the information in the draft form, and resend it to you for your review. it to you for your review. I accept the G-28 and want to provide my signature P View draft snapshot I decline the G-28 and want to send the draft form back to my representative to make updates About Representative Your Name John Smith Provide your name Your Role I am an accredited representative Select your representative role of a qualified nonprofit religious, charitable, social service, or





Review the G-28

Review all responses

Accept or decline



Client's consent to release of information

If you want DHS to send original notices and secure identity documents to your attorney or accredited representative instead of directly to you, please select one or both boxes below.





USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

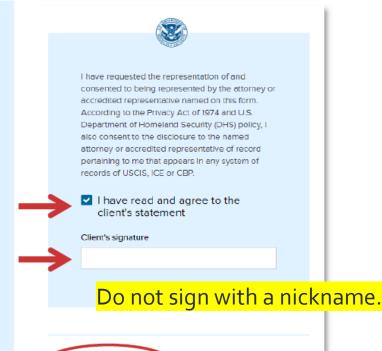


USCIS will also send the Form I-94, Arrival Departure

✓ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.

✓ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

✓ I request that USCIS send any original notice containing Form I-94 to me at my U.S. mailing address. I understand that I may change this election at any future date through written notice to USCIS.



⊀ Back





Review the G-28

Review all responses

Accept or decline

Submit the G-28 for your case



Once you submit the G-28 below, it will be added to your case.

Your case status will be updated on your and your representative's account home pages.

Submit the G-28





H-1B Registration

U.S. employers or agents who seek to obtain H-1B nonimmigrant classification on behalf of an individual subject to the H-1B numerical allocations will need to submit a registration during a designated registration period, unless the registration requirement is suspended by USCIS.

The annual initial registration period will last a minimum of 14 calendar days and will start at least 14 calendar days before the earliest date on which H-1B cap-subject petitions may be filed for a particular fiscal year.

If a sufficient number of registrations projected as needed to reach the H-1B regular cap have not been received within the 14 days initial registration period, we will notify all registrants who have properly registered that their registrations have been selected. We will keep the registration open past the initial registration period until we have determined that we have received enough registrations projected as needed to meet the H-1B regular cap.

After the end of the initial registration period, if USCIS has received more registrations than needed to meet the projected number of registrations to reach the regular cap, we will randomly select a sufficient number of registrations. A similar process will apply for those who may be eligible for the numerically limited cap exemption. A Form I-129, Petition for a Nonimmigrant Worker, may then be filed by the employer based on a selected registration to request classification of the beneficiary as an H-1B worker.



Before you start your registration



Eligibility

A U.S. employer or agent may file H-1B cap petitions, and as such, will be required to submit an H-1B Registration to be eligible to file the H-1B cap petition.

U.S. Employers: Person or entity in U.S. that: Engages a person to work in the U.S.; Has an employer-employee relationship with the beneficiary; and Has an FEIN.

Agents: A U.S. individual or company in business as an agent may file an H-1B Registration for workers who are traditionally self-employed or workers who use agents to arrange short-term employment on their behalf with numerous employers, and in cases where a foreign employer authorizes the agent to act on its behalf.



Duplicates

A registrant may only submit one registration per beneficiary in any fiscal year. If a registrant submits more than one registration per beneficiary in the same fiscal year, all those registration will be considered invalid.



Fee

Fee: \$10 per registration

We will send you to Pay.gov, our safe, secure payment website, to make your payment and submit your registration online. If your current document is incorrect due to a typographical or clerical error caused by USCIS, there is no fee.

Refund Policy

USCIS does not refund fees, regardless of any action we take on your application, petition, or request. By continuing this transaction, you acknowledge that you must submit fees in the exact amount and that you are paying the fees for a government service. You further agree that the filing fee, biometric fee, and any other paid costs related to this financial transaction are final and not refundable. Please refer to the instructions for the form(s) you are filing for additional information or you may call the USCIS Contact Center at 800-375-5283. For TTY (deaf or hard of hearing) 800-767-1833.

Next





H-1B Registration Summary

Print

Here is a summary of all the information you provided in your registration.

Make sure you have provided responses for everything that applies to you before you submit your registration. You can edit your responses by going to each registration section using the site navigation.

About Registrant	
Employer/Agent	
What is the legal name of the prospective petitioning company or organization?	456 Company
What is the Doing Business As name of the prospective petitioning company or organization?	X Company
What is the employer identification number (EIN) of the prospective petitioning company or organization?	900000000
What is the primary U.S. office address of the prospective petitioning company or organization?	United States 200 Second Street Suite 900 New York, NY, 10021
Authorized Signatory	
What is the authorized signatory's legal name?	John Smith
What is the authorized signatory's title?	Accredited Representative
What is the authorized signatory's contact information?	(333) 333-3333
Email address	johnsmith@123.com

About Beneficiary				
Beneficiary Information				
	Given name (first name)	First		
	Middle name	-		
	Family name (last name)	Person		
	What is the beneficiary's gender?	male		
	What is the beneficiary's date of birth?	02/19/1980		
	What is the beneficiary's country of birth?	Uruguay		
	What is the beneficiary's country of citizenship?	Uruguay		
	What is the beneficiary's passport number?	91919191919		
	Does the beneficiary have a master's or higher degree from a U.S. institution of higher education such that the beneficiary is eligible for the advanced degree exemption under INA 214(g)(5)(C)?	Yes		

Given name (first name)	Third
Middle name	-
Family name (last name)	Person
What is the beneficiary's gender?	female
What is the beneficiary's date of birth?	01/12/1984
What is the beneficiary's country of birth?	Panama
What is the beneficiary's country of citizenship?	Panama
What is the beneficiary's passport number?	27727727
Does the beneficiary have a master's or higher degree from a U.S. institution of higher education such that the beneficiary is eligible for the advanced degree exemption under INA 214(g)(5)(C)?	Yes









Accept or decline the H-1B Registration

If the information provided in the H-1B Registration is complete, true, and correct, you should continue to the signature page.

If anything is incorrect or missing, you should decline the H-1B Registration and contact your representative. We will allow your representative to edit the information in the draft registration, and resend it to you for your review.



- I accept the H-1B Registration and want to provide my signature
- I decline the H-1B Registration and want to send the draft registration back to my representative to make updates







Authorized Signatory's Statement

You must read and agree to the statement below.



✓ I can read and understand English, and have read and understand every question and instruction on this registration, as well as my answer to every question.







Authorized Signatory's Certification and Signature

You must read and agree to the certification below.



If submitting or authorizing this registration on behalf of an organization, by my signature, I certify that I am authorized to do so by the organization.

I authorize release of information contained in this registration to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I further certify, under penalty of perjury, that I have reviewed this registration and that all of the information contained in the registration is complete, true and correct and that I, or the organization on whose behalf this registration is being submitted, intend to file an H-1B petition on behalf of the beneficiary named in this registration if the beneficiary is selected.

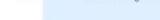


I have read and agree to the authorized signatory's statement.

Authorized Signatory's Signature

You must provide your electronic signature below by





Authorized Signatory's Signature

You must provide your electronic signature below by typing your full legal name. We may consider your registration to be invalid if you do not completely fill out and electronically sign this registration. We will record the date of your signature with your registration.



1

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Next Next

Do not sign with a nickname.





Finish the H-1B Registration and send to your representative

Once you finish below, your representative will need to pay for and officially submit the registration to USCIS. He or she will also submit the G-28, which establishes your representative's eligibility to appear and act on your behalf in USCIS immigration matters.

Once your representative has submitted your registration, you should check your home page for any updates or actions on your case.

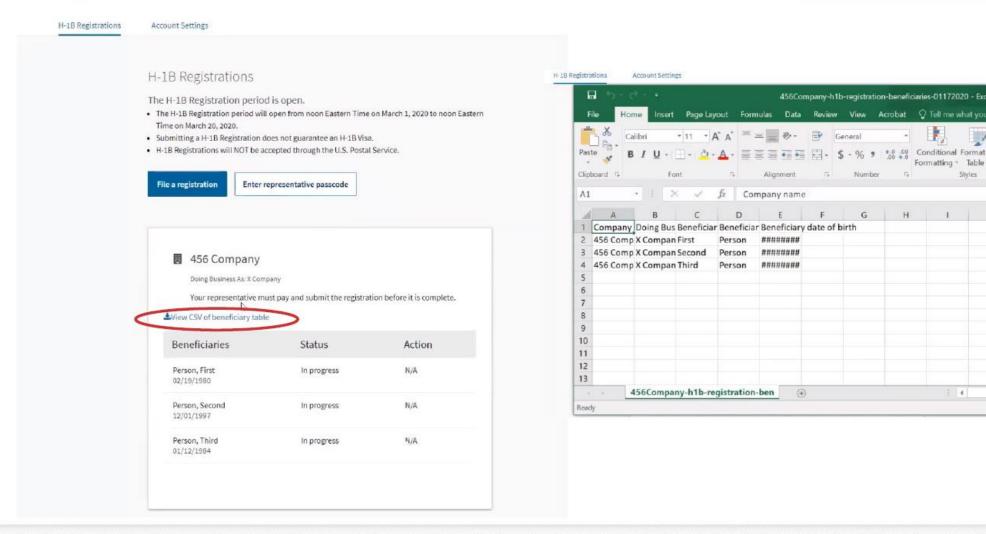


Important: We will NOT get automatically notified that you've submitted.

You will need to email us after you've clicked "Finish and send."

We will remind you of this when it is time to register.

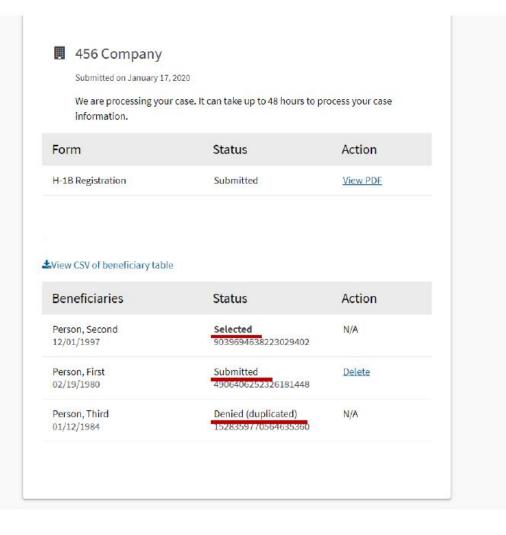




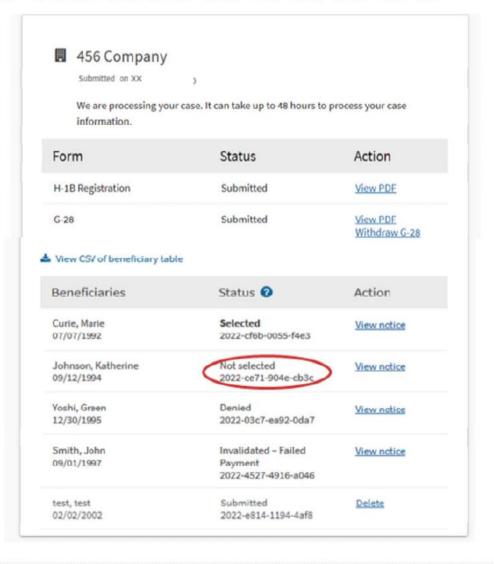


H-1B REGISTRATION STATUS





H-1B REGISTRATION STATUS

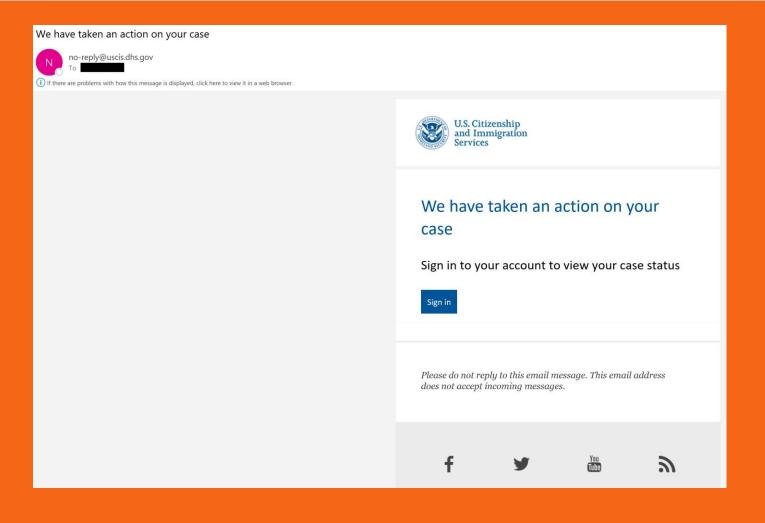




NEXT STEPS: NOW THROUGH MARCH 25, 2021

- Designate the "signer" for H-1B registration purposes.
- Starting on March 2, 2021, if you do not already have an account, sign up for myUSCIS account under the "H-1B registrant" account type.
- Confirm with your team at MT that you've signed up for an account (and who the signer is, if not the usual signer)
- Push employees to turn in their documentation ASAP if they haven't done so already.
- Turn in outstanding employer questionnaires.
- From March 9-25, 2021: watch for emails from us with access code(s) so you can log in, review, sign, and alert us when you are done.
- Alert us ASAP if you are anticipating unavailability between March 9-25, 2021

AFTER REGISTRATION: BY MARCH 31, 2021 AND ONWARD



- If any cases are selected, you will get this email prompting you to log in.
- Selection for the initial round will be completed by March 31.
- You will get the same email if there are additional rounds of selections, and when final confirmation of nonselection are ready. USCIS did not provide advance notice that these emails were coming.
- After selection, we will reach out to selected employees to start the petition process.

QUESTIONS?