

Updates to the H-1B Work Visa Petition Process for 2020 Applicants and What Employers Need to Know

January 5, 2024
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Originally posted 2.28.20, no content changes.

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The process for obtaining H-1B visas, which allow employers to hire foreign nationals to work in the U.S., has undergone significant revisions. These changes impact new hires that have recently graduated from U.S. universities, as well as foreign workers applying to jobs from overseas, or those workers who are already in the U.S. but changing to H-1B visas from another previous visa status.

Changes by the U.S. Citizenship and Immigration Services have gone into effect this year, impacting employers who rely on foreign national employees and candidates looking to start work in October 2020. In December 2019 the USCIS announced a successful test run of the new H-1B registration system, which introduced key changes to the filing and lottery process that both employers and workers should be made aware of.

The advantage of this system is that the bulk of the petition process takes place after the lottery selection has been made. In the past, fully completed petitions supported by the legally mandated evidence were due even before the lottery took place. Under the present system, employers can participate in the lottery in an abbreviated process and avoid spending time and money on applications that eventually do not get past the lottery stage.

The USCIS has introduced a new online-only H-1B Registration tool, which according to an official statement “[streamlines the] processing by reducing paperwork and data exchange.” An initial registration period will run from March 1 through March 20, 2020. The new tool, which was first seen in a nearly-identical preliminary phase during late 2019, requires less information about the sponsored applicant to be provided by employers than in previous years. Employers are no longer required to submit a certified Labor Condition Application or provide information regarding wages and other details of employment during the registration process.

To access the Online Registration tool, employers and attorneys sponsoring beneficiaries must create accounts with the USCIS [here](#).

Candidates looking to submit H-1B registration require a sponsor or employer to be considered for a work visa. The current quota cap for H-1B visas is 65,000 for regular registrants and 20,000 for registrants with master's degrees. To obtain a work visa, candidates must first be successful in a lottery via a computer-generated random lottery. Registrants are expected to be

made aware of their lottery status by April 1. Unselected registered candidates are placed on a list of reserves.

Full details regarding the new registration process are publicly available and can be found in the DHS Federal Register found [here](#). If you have any questions about H-1B Visas or would like further information about this or any other immigration law matter, please [contact me](#).