

The H-1B Lottery is Coming in March 2022. Are You Ready?

by Sonseere H. Goldenberg, Esq. - Tuesday, January 25, 2022



It's that time of year again. In just a few weeks, employers will be able to enter the USCIS lottery for H-1B visas.

NOTE: We do not have an officially announced date for employers to register in the lottery system. But we anticipate it will be March 1, 2022.

To have the best chance in the lottery, properly completing each step of the registration process is essential:

- Accurately complete your employer profile and each employee's registration (the entry for the lottery).
- Avoid duplicate entries as they will be discarded and barred from this year's lottery.
- Ensure that every employee meets the requirements for the H-1B visa in advance of the lottery registration.

Employer Registration and Documenting H-1B Eligibility

Employers must start by setting up a "[myUSCIS](#)" account. (See below) Registration requires minimal information, but it is best to do it as soon as possible after March 1, 2022. Employers will not be able to enter information about employees at that time and must wait for USCIS to open the employee (beneficiary) registration period around March 8, 2022.

Now is a good time to start collecting the H-1B supporting documents and evaluating each employee's [qualifications](#) for this visa. Most immigration attorneys recommend that employers ensure they have the supporting documents from their employees before entering a registration

in the lottery. It is time well spent to ensure that the employer can meet all the filing requirements for an H-1B petition up front including that:

- The job is a specialty occupation that requires a bachelor's degree or higher, or foreign equivalent.
- The employer will pay at least the prevailing wage.
- The employer will abide by the terms of the Labor Condition Application issued by the Department of Labor (DOL).

Important Dates Based on Last Year's Lottery

USCIS still lists the H-1B Registration Process Timeline for the **2021** lottery on its website. Expect the **2022** dates to be within a day or two of these and check the link for updates shortly. We believe that the following dates reflect the 2022 timeline but are *subject to change* when USCIS announces the actual dates:

March 1: Petitioners and registrants (employers and attorneys) can begin creating H-1B registrant accounts at noon Eastern.

March 8: H-1B registration period opens at noon Eastern. You can enter the employees' (beneficiaries') information.

March 25: H-1B registration period closes at noon Eastern.

March 31: Date by which USCIS intends to notify selected registrants.

April 1: The earliest date that employers can file H-1B cap-subject petitions.

Set up a “myUSCIS” Account and Register as the H-1B Employer

If you do not have a **USCIS** online account, you will not be able to participate in the H-1B lottery. The lottery is automated and USCIS no longer accepts fully documented H-1B petitions on paper, just to participate in the lottery.

Obtain the following information for your company:

- Legal name, address, email, and phone for the company and for the company's contact person.
- “Doing business as” name, if applicable.
- Employer identification number (EIN) or tax identification number.

Also, obtain the following information for each employee for whom you will enter a lottery registration when the registration period opens:

- Full legal name.
- Date of birth.

- Are you requesting consideration under the advanced degree exemption because the beneficiary has earned, or will earn prior to the filing of the petition, a master's, or higher degree from a U.S. institution of higher education?
- Country of birth.
- Country of citizenship.
- Passport number.

Enter the kind of account you would like to create. There are three choices for the account type. You should choose the last one, "I am an H-1B registrant."

- If you are working with an attorney, do **not** click, "File a registration."
- We will file the registration during the registration period and provide you with a passcode so you can review the application before we file it.
- The system will request the passcode from you so you can enter it on your side.
- If you are not working with an attorney, follow the prompts once the registration period opens and thoroughly review the tutorials on the registration site.

Register the Beneficiaries

About a week after you have set up the employer's account, USCIS will open registration for the potential H-1B employees. We will assist with each step of the process:

1. Entering each employee's information. (The employee is referred to as "the beneficiary" in the system). Employers can enter up to 250 employees in each batch. If you need to submit more than 250 registrations, you will need to complete the entire registration process again and enter the additional names.
2. Reviewing every registration before submitting the batch. The system will *red alert* any issues or incomplete information, but it may not catch any duplicate entries. A duplicate entry will be fatal to that particular employee's registration once the registration period closes. A *green alert* means you can move to the next step.
3. Certifying that the registration information is complete and accurate. You will be asked to sign your name electronically by typing your name into the box.
 - a. Once you submit the registrations, you will not be able to make any corrections.
 - b. You can delete an employee's entire registration and resubmit it, but only until the initial registration period closes. You will have to submit a second \$10 fee.
4. Paying the fee of \$10.00 per applicant. If you have more than one batch, you will have to pay the total fee for each batch separately. The system will take you to the pay.gov website where you can use a credit card or bank account to make the payment.
5. Submitting the registrations. You can go back into your account to check on the status of each individual registration after submitting them.
 - a. While the system provides the option to download a csv file for you to check for any errors, including duplicate beneficiaries, it is imperative that you check this before submitting the applications in the first place.
 - b. If the registration period is closed, the system automatically invalidates duplicates and prevents you from resubmitting a registration for this beneficiary during this fiscal year.

After USCIS Conducts the H-1B Lottery

Once the registration period closes at the end of March 2022, USCIS will conduct the lottery and notify the employer if it selects any of the employer's registrations. Then, the employer and the attorney can login to their myUSCIS.com accounts to view the actual notices.

The notification you want to see is, "selected." This means that you are allowed to file the H-1B petition for jobs starting October 1, 2022, within the next two months. If your notification shows as "submitted," then your case could still be selected should USCIS conduct a second lottery later in the year. Last year, USCIS conducted two additional lotteries. At the end of the fiscal year, all submitted registrations will show as, "not selected."

Bottom Line

Contact us as soon as possible to discuss the H-1B lottery process for this new fiscal year. We are happy to review your employee's H-1B eligibility before filing and assist with the lottery registration and prepare the H-1B petition. We will be just as excited as you will be if you are selected!

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