

## H-1B Registration To Open Soon for FY2022 Cap-Subject H-1B Petitions

The beginning of the new cap-H-1B petition filing season with the U.S. Citizenship and Immigration Services (USCIS) is upon us. USCIS will once again be using the H-1B registration process implemented last year to select the H-1B petitions. Instead of the prior process requiring preparation and submission of full H-1B petitions for entry into the H-1B lottery, the new registration process allows employers to register via the government's database by completing a form requesting basic information regarding the intended H-1B petition. USCIS will then conduct a lottery using the H-1B registrations and will advise employers whether their H-1B petition has been selected. If selected, the employer may then prepare and file the H-1B petition. The number of available H-1B visas remains unchanged (65,000 regular H-1Bs and 20,000 allocated to foreign nationals with U.S. graduate degrees). USCIS has not yet announced when the H-1B registration period will be opened, but it is expected to open very soon.

It is still unknown whether the rule implemented under the Trump administration replacing the current random H-1B selection process with a new system requiring selection of cap-H-1Bs based on the highest prevailing wage offered, will be applied to the FY2022 H-1B filing season. The rule is currently scheduled to take effect on March 9, 2021, however, could be delayed under the Biden Administration's memorandum instructing all federal agencies to consider postponing the effective date of any rule that had been published in the Federal Register but had not yet taken effect, by 60 days or more from the date of the memorandum. USCIS has not yet taken action to postpone the effective date of the new prevailing wage-based H-1B selection process. If this process is not delayed, employers will be required to provide information pertaining to wage levels during this year's H-1B registration process. Please contact your immigration counsel to begin planning for the upcoming H-1B season and registration period.

## Update on U.S. Travel Restrictions from Certain Countries

On January 25, 2021, the Biden Administration issued "Proclamation on the Suspension of Entry as Immigrants and Non-Immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease," which maintains travel restrictions on individuals from the Schengen Area, U.K., Ireland, and Brazil. These restrictions had previously been set to lift under a proclamation issued by the Trump Administration, but will now remain in place. The Biden Administration's proclamation also adds South Africa to the list of countries with restrictions on entry into the U.S. Please note that previous restrictions implemented by the Trump Administration for both China and Iran also remain in place. These restrictions suspend and limit entry into the U.S., with exceptions, as immigrants and nonimmigrants, noncitizens who were physically present within these countries during the 14-day period preceding their entry or attempted entry into the U.S. Due to the frequently changing travel restrictions and continued U.S. consulate closures/limited services, it is very important to contact immigration counsel before any travel abroad.



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