



GMS Flash Alert

Immigration Edition

2020-152 | April 3, 2020



United States - USCIS Completes FY 2021 H-1B Cap Lottery; Petition Filing from April 1

On April 1, 2020, United States Citizenship and Immigration Services (USCIS) announced that all H-1B cap-subject petitions for fiscal year (FY) 2021 including those petitions eligible for the advanced degree exemption may now be filed with USCIS.¹

WHY THIS MATTERS

Employers with selected registrations may now begin filing H-1B cap-subject petitions on behalf of beneficiaries with USCIS. The filing period will be open for at least 90 days from April 1, 2020.

Employers should begin working with their immigration counsel to determine the appropriate filing timelines.

The USCIS premium processing service is not currently available.

Electronic Registration and H-1B Cap

This year marked the launch of the new electronic registration process for the H-1B cap lottery system in the United States. In its first H-1B cap registration season, USCIS received nearly 275,000 registrations. Approximately, 46 percent of all registrations were for prospective beneficiaries with advanced U.S. degrees.

Under the new registration system, employers seeking to file an H-1B cap-subject petition on behalf of their employees were required to submit an electronic registration on behalf of the beneficiary to be considered in the lottery. Employers with H-1B cap registrations selected in the lottery are then invited to submit complete paper-based H-1B cap applications with the USCIS. (For more information on the H-1B lottery system and related coverage, see the following issues of *GMS Flash Alert*: [2019-183](#) (December 10, 2019) and [2018-159](#) (December 11, 2018).)

© 2020 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved. Printed in the U.S.A. NDPPS 530159

Employers must submit paper-based petitions and establish eligibility for petition approval at the time of filing and through adjudication per regulatory requirements. While most H-1B cap-subject petitions can be filed at any point during the filing period, some petitions may need to be filed at specific times to help ensure there is no gap in the beneficiary's work authorization. As such, employers should begin working with their immigration counsel to determine the appropriate filing timelines.

KPMG LAW LLP NOTE

Additionally, as per our previous report (see GMS [Flash Alert 2020-128](#), March 30, 2020), due to the COVID-19 pandemic, USCIS has temporarily suspended premium processing of all I-129 and I-140 petitions, including H-1B cap-subject petitions. Therefore, this expedited processing service remains unavailable at this time.

Our office is tracking USCIS announcements closely. We will endeavor to keep readers of GMS *Flash Alert* posted on any important developments as and when they occur.

FOOTNOTE:

1 See the USCIS Announcement: <https://www.uscis.gov/news/alerts/uscis-announces-flexibility-requests-evidence-notices-intent-deny>.

* * * *

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



Mira Khalid
Associate/Attorney,
U.S. Immigration
KPMG Law LLP – Tax + Immigration,
Canada
Tel. +1-416-943-7830
mirakhalid@kpmglaw.ca



Chelsea Hsieh
Attorney,
U.S. Immigration
KPMG Law LLP – Tax + Immigration,
Canada
Tel. +1-416-943-7874
chelseahsieh@kpmg.ca

** Please note that KPMG LLP (U.S.) does not provide any immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

The information contained in this newsletter was submitted by the KPMG International member firm in Canada.

© 2020 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative (“KPMG International”), a Swiss entity. All rights reserved.

www.kpmg.com

kpmg.com/socialmedia



© 2020 KPMG LLP, a Delaware limited liability partnership and the U.S. member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative (“KPMG International”), a Swiss entity. All rights reserved. Printed in the U.S.A. NDPPS 530159

The KPMG name and logo are registered trademarks or trademarks of KPMG International.

The KPMG logo and name are trademarks of KPMG International. KPMG International is a Swiss cooperative that serves as a coordinating entity for a network of independent member firms. KPMG International provides no audit or other client services. Such services are provided solely by member firms in their respective geographic areas. KPMG International and its member firms are legally distinct and separate entities. They are not and nothing contained herein shall be construed to place these entities in the relationship of parents, subsidiaries, agents, partners, or joint venturers. No member firm has any authority (actual, apparent, implied or otherwise) to obligate or bind KPMG International or any member firm in any manner whatsoever. The information contained in herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

Flash Alert is a GMS publication of KPMG LLP’s Washington National Tax practice. To view this publication or recent prior issues online, please click [here](#). To learn more about our GMS practice, please visit us on the Internet: click [here](#) or go to <http://www.kpmg.com>.