

H-1B Cap Registration Guide for Employers

Overview

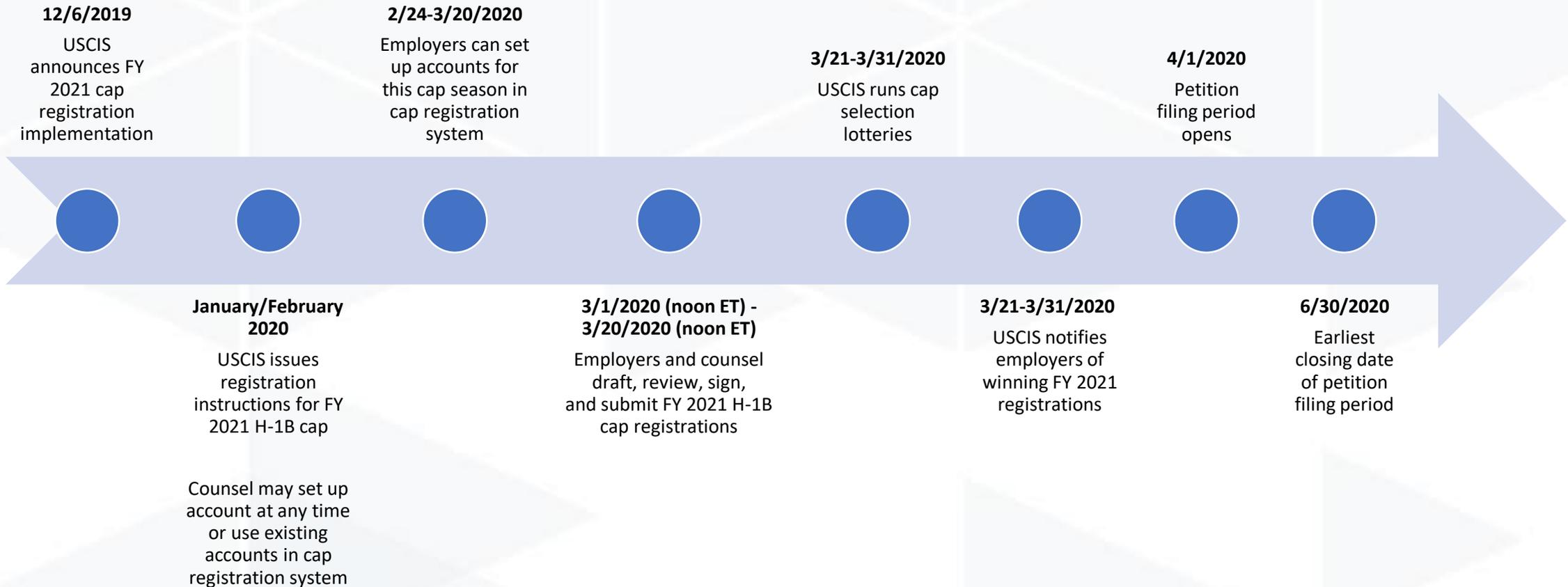
- ▶ H-1B cap registration basics
- ▶ How to set up an employer cap registration account
- ▶ How to review, approve and sign an H-1B cap registration prepared by your Fragomen attorney

H-1B Cap Registration

Basics for Employers

- ▶ Your organization must set up a cap registration account, even if your immigration counsel will draft and submit registrations on your behalf
- ▶ Does your organization have multiple EIN entities?
 - ▶ If so, your company will need to set up an account for each entity that will sponsor H-1B workers
- ▶ Your organization's account(s) must be maintained by an employee authorized to sign immigration benefit requests for the organization
 - ▶ More than one authorized signatory is permitted, but each must have a separate account
 - ▶ One signatory can hold multiple EIN accounts -- but see below!
- ▶ Multiple registration accounts?
 - ▶ Each must have a unique email address associated with the account

FY 2021 H-1B Cap Registration Timeline





How to Set Up an Employer Cap Registration Account

Setting Up an Employer Account

Are you a company authorized signatory?

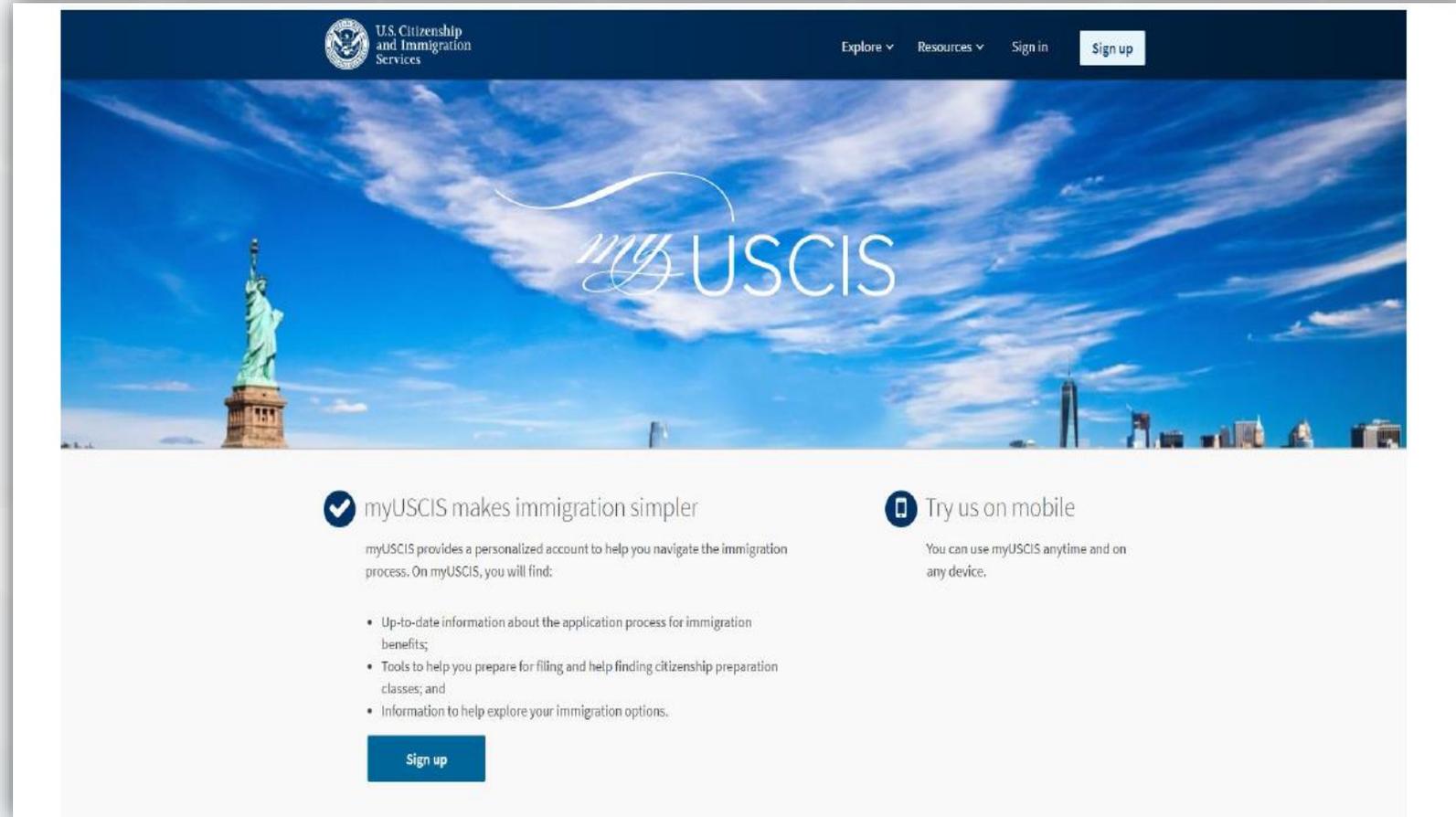
Point your browser to:
<https://www.uscis.gov>

Select the Tools tab,
then select “myUSCIS.”

The screenshot shows the official website of the Department of Homeland Security, specifically the U.S. Citizenship and Immigration Services (USCIS) page. The header includes the USCIS logo, the text "U.S. Citizenship and Immigration Services", a search bar, and a "Need Help? Ask Emma" button. Below the header is a navigation menu with tabs for "FORMS", "NEWS", "CITIZENSHIP", "GREEN CARD", "TOOLS", and "LEGAL RESOURCES". The "TOOLS" tab is selected and highlighted with a red arrow. Below the navigation menu, there are four columns of links. The first column, "Self Service Tools", includes "myUSCIS" (highlighted with a red arrow), "Explore My Options", "File Online", "Change My Address", "Case Status Online", "Make an Appointment", and "Ask About My Case". The second column, "Locators", includes "Find a Doctor", "Office Locator", "Forms and Fees", and "Class Locator". The third column, "Online Resources", includes "Case Processing Times", "E-Verify: Ensure Employment Eligibility of Your Workforce", "Avoid Scams", "Self Check: Verify your Eligibility to Work in the U.S.", and "SAVE: Check a Benefit Applicant's Immigration Status". The fourth column, "Research Tools", includes "Electronic Reading Room", "Immigration and Citizenship Data", "Research My Family's Immigration History", "Submit or Track a FOIA Request", and "Multilingual Resource Center". At the bottom of the page, there are four blue buttons: "DATA AND CORRESPONDENCE", "I WANT TO...", "GREEN CARD", and "CITIZENSHIP".

Setting Up an Employer Account, cont'd

Select “Sign up” to start the account creation process.



The screenshot shows the myUSCIS website homepage. At the top, there is a dark blue navigation bar with the U.S. Citizenship and Immigration Services logo on the left and links for "Explore", "Resources", "Sign in", and a "Sign up" button on the right. Below the navigation bar is a large banner image featuring the Statue of Liberty and a city skyline under a blue sky with clouds. The text "myUSCIS" is overlaid on the banner in a white, elegant font. Below the banner, there are two main sections. The first section is titled "myUSCIS makes immigration simpler" and includes a sub-heading "myUSCIS provides a personalized account to help you navigate the immigration process. On myUSCIS, you will find:" followed by a bulleted list of features: "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", and "Information to help explore your immigration options." Below this list is a blue "Sign up" button. The second section is titled "Try us on mobile" and includes the text "You can use myUSCIS anytime and on any device."

Setting Up an Employer Account, cont'd

Enter and confirm the email address you will use for this account.

U.S. Citizenship and Immigration Services

Sign Up

Your USCIS account is only for you. Do not create a shared account with family or friends. Individual accounts allow us to best serve you and protect your personal information.

You must provide your email address below if you are the one who is filing a form online, submitting an online request, or tracking a case.

Email

1

Email confirmation

2

Your email address is used to log in to your USCIS Account. All USCIS email communications will be sent to this address.

[Sign Up](#)

Already have an account?
[Sign In](#)

Legal

- Department of Homeland Security Consent
- DHS Privacy Notice
- Paper Reduction Act Burden Disclosure Notice

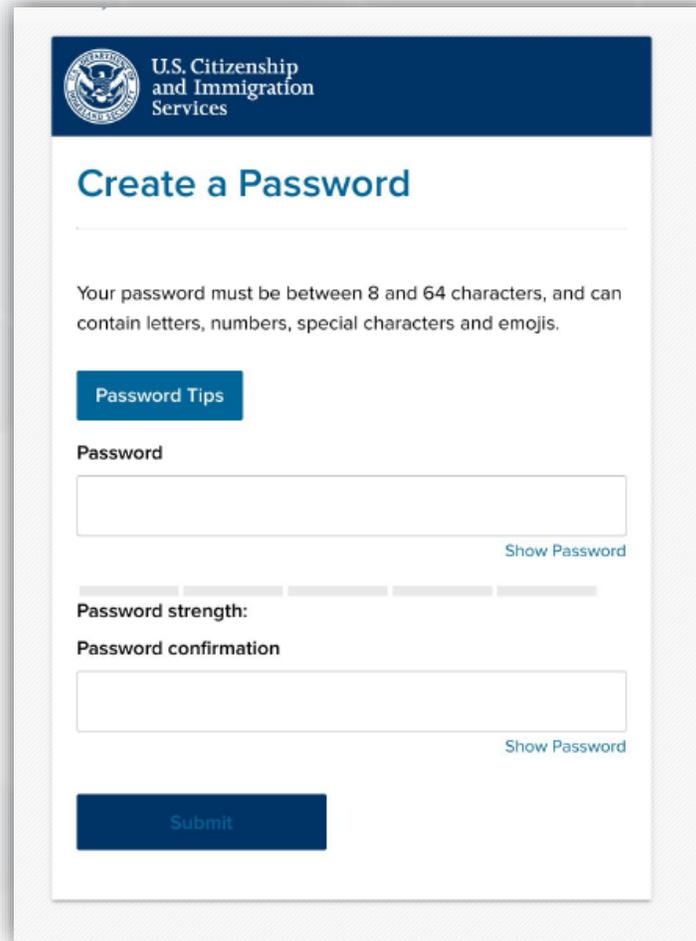


Creating more than one USCIS account? You will need a unique email address for each account.

Setting Up an Employer Account, cont'd

Create and submit a password for your registration account.

(Despite the instructions, your password cannot include emojis.)



The screenshot shows the 'Create a Password' page from the U.S. Citizenship and Immigration Services website. At the top left is the DHS logo and the text 'U.S. Citizenship and Immigration Services'. The main heading is 'Create a Password'. Below this, a message states: 'Your password must be between 8 and 64 characters, and can contain letters, numbers, special characters and emojis.' There is a blue button labeled 'Password Tips'. The form has two input fields: 'Password' and 'Password confirmation', each with a 'Show Password' link to its right. A 'Password strength' indicator is shown between the two fields. At the bottom is a blue 'Submit' button.



Make sure to record your password!

Setting Up an Employer Account, cont'd

Choose your preferred method of account verification.

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**
Retrieve codes from an authentication app (such as Authy or Google Authenticator) on 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.

[What is an Authentication App?](#)

[Submit](#)



You will need a verification code each time you access your account.

Choose the method that is most convenient for you and that meets your organization's IT security protocols.

Setting Up an Employer Account, cont'd

Select your security questions and enter your answers

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



Make sure to record your security questions and answers!

Setting Up an Employer Account, cont'd

Choose "H-1B Registrant" as your account type.

Account Type

Select an account type:

- I am an applicant, petitioner, or requestor.
 - USCIS only offers certain benefit types for online filing. Please refer to uscis.gov for further guidance.
 - You cannot file an H-1B Registration with this account type.
- I am a Legal Representative.
 - I am an attorney eligible to practice law in the United States.
 - I am an accredited representative of a qualified organization that is recognized by the Department of Justice in accordance with 8 CFR part 1292.
- 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.



Don't choose "applicant, petitioner or requestor." That account type is not appropriate for H-1B cap registration.

Last Steps for Account Creation

- ▶ The system may generate a backup security code
- ▶ If you lose access to your authentication method, you can use the backup code to log in to your USCIS account
- ▶ Make a record of your backup code

CONGRATULATIONS!
YOU HAVE CREATED A CAP REGISTRATION ACCOUNT!

A dark blue-tinted background image showing a person's hands typing on a laptop keyboard. A document is visible to the left of the laptop. The image is overlaid with a network of thin, light blue lines forming various geometric shapes.

How to Review, Approve and Sign an H-1B Cap Registration Drafted by an Attorney

H-1B Cap Registration Review Basics

- ▶ The attorney will provide a passcode for each cap registration to the authorized signatory
- ▶ As the authorized signatory, you will need to review, approve and e-sign each registration before the company's attorney can submit it
- ▶ Each registration can contain no more than 250 beneficiaries, so you may need to review, approve and sign multiple registrations
- ▶ You will be able to download a list of H-1B cap beneficiaries from the USCIS system to a spreadsheet

CAP REGISTRATION REVIEW CHECKLIST

- ▶ Each registration should be reviewed as follows:
 - ✓ Verify that each beneficiary listing is complete and correct
 - ✓ Check for prohibited duplicate registrations
 - ✓ Check the G-28 to make sure all information is correct
 - ✓ Choose the organization's preferred USCIS notification method(s) on Form G-28

Reviewing a DRAFT Cap Registration & G-28

Point your browser to myUSCIS.gov and access the H-1B Registration Home Page.

Select “Enter representative passcode.”

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.

[File a registration](#)

[Enter representative passcode](#)

Accessing a DRAFT Cap Registration & G-28

The attorney will send you a unique passcode for each cap registration.

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](#)

Reviewing the G-28

First, you'll review Form G-28, the Notice of Entry of Appearance as Attorney

Security reminder

If you do not work on your form for more than 30 days, we will delete your data in order to prevent storing personal information indefinitely.

[Review the G-28](#)



You will only need to sign one G-28 per registration, no matter how many beneficiaries are included in the registration.

Check the Information on Form G-28

On Form G-28, you will see the following information:

- Name of the attorney and his/her attorney license information
- Name of your organization and your name, title, and contact information

The screenshot displays the 'Review the G-28' interface. At the top, there are two tabs: 'Review all responses' (which is active) and 'Accept or decline'. Below the tabs, the main heading is 'Review the Notice of Entry of Appearance as Attorney or Accredited Representative form information', with a 'Print' icon to its right. The text below reads: '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 on the next page and contact your representative. We will allow your representative to edit the information in the draft form, and resend it to you for your review.' There is a link for 'View draft snapshot'. Below this is a section titled 'About Representative' with a light gray background. Under 'Your Name', the text 'Provide your name' is followed by 'John Smith'. Under 'Your Role', the text 'Select your representative role' is followed by 'I am an accredited representative of a qualified nonprofit religious, charitable, social service, or'.

Accept or Decline the G-28

Everything look OK on Form G-28?

If so, choose “accept” and move on to the next step.

Errors on the G-28?

If so, choose “decline.” The Fragomen team will correct the errors and contact you when the draft registration is ready for a second review.

The screenshot shows a web interface titled "Review the G-28". At the top, there are two tabs: "Review all responses" and "Accept or decline", with the latter being the active tab. Below the tabs, the main heading is "Accept or decline the G-28". The text explains that if the information is complete, true, and correct, the user should continue to the signature page. If anything is incorrect or missing, the user should decline the G-28 and contact their representative. There are two radio button options: "I accept the G-28 and want to provide my signature" (which is selected) and "I decline the G-28 and want to send the draft form back to my representative to make updates". A red arrow points to the first option. At the bottom, there is a blue "Next" button circled in red, and a "< Back" link.

G-28 Client Consent

On this page, you will tell USCIS where to send notices and documents about the registration.

Check all 3 boxes to ensure that you and your company's Fragomen attorney receive information about the registration.

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.

G-28 Client Attestation

Check the box to confirm your organization's consent to be represented by the Fragomen attorney and to have information disclosed to the attorney.

To sign Form G-28, enter your full name in the space indicated.

The screenshot shows the G-28 Client Attestation form. At the top center is the Department of Homeland Security seal. Below it, the text reads: "I have requested the representation of and consented to being represented by the attorney or accredited representative named on this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of record pertaining to me that appears in any system of records of USCIS, ICE or CBP." Below this text is a checkbox with a checkmark and the text "I have read and agree to the client's statement". A red arrow points to this checkbox. Below the checkbox is the label "Client's signature" and an empty text input field. A red arrow points to this input field. At the bottom of the form, there is a "Next" button circled in red, and a "[Back](#)" link below it.

Submit Form G-28

Click “submit” to finish 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

Review H-1B Program Rules

This page contains important information about H-1B eligibility, rules against duplicate registrations, and fee information.

Review it carefully, then click “next.”

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

Check Your Company's Information

Check the employer's:

- ✓ Legal name
- ✓ DBA name, if any
- ✓ Employer ID number (EIN)
- ✓ Company's primary office address

As the authorized signatory, check your:

- ✓ Legal name
- ✓ Job title
- ✓ Contact telephone number
- ✓ Email address

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

Review Beneficiary Information

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?	919191919
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

[Next](#)

[Back](#) [Return to top](#)



You and your Fragomen attorney will be able to download a list of beneficiaries into a spreadsheet.

Approve or Decline the Registration

Everything correct in the registration?
If so, click “accept.”

Errors or omissions in the registration?
If so, click “decline” to send the registration back to your Fragomen attorney for corrections.

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

[← Back](#)

Authorized Signatory's Statement

- ✓ Review the statement
- ✓ Check the box to agree
- ✓ Click "next" to certify and sign the registration

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.

[Next](#)

[← Back](#)

Certifying the Registration

Read the authorized signatory's certification.

If you agree with the signatory certification, click the box.

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.



By signing the registration, you certify that:

- ✓ You are authorized by the company to sign.
- ✓ You consent to the release of information in the registration for government purposes.
- ✓ Under penalty of perjury:
 - ✓ You have reviewed the registration;
 - ✓ All information in the registration is complete, true, and correct; and
 - ✓ The company intends to file an H-1B petition on behalf of each beneficiary selected in the cap lottery.

Signing the Registration

Type your full legal name in the space indicated.

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.



Complete Your Approval of the Registration

Click “Finish and send” to complete your approval of the registration.

Once you click this box, your Fragomen attorney will be able to pay the registration fees and submit the registration to USCIS.

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.

Finish and send

[← Back](#)



Make sure to review, approve and sign each registration promptly!

Your company's registrations must be submitted to USCIS by noon ET on March 20, 2020.

Checking the Status of a Registration

Once your Fragomen attorney has submitted a registration, you can see its status.

You can also check the status of each beneficiary.

 456 Company
Submitted on January 17, 2020
We are processing your case. It can take up to 48 hours to process your case information.

Form	Status	Action
H-1B Registration	Submitted	View PDF

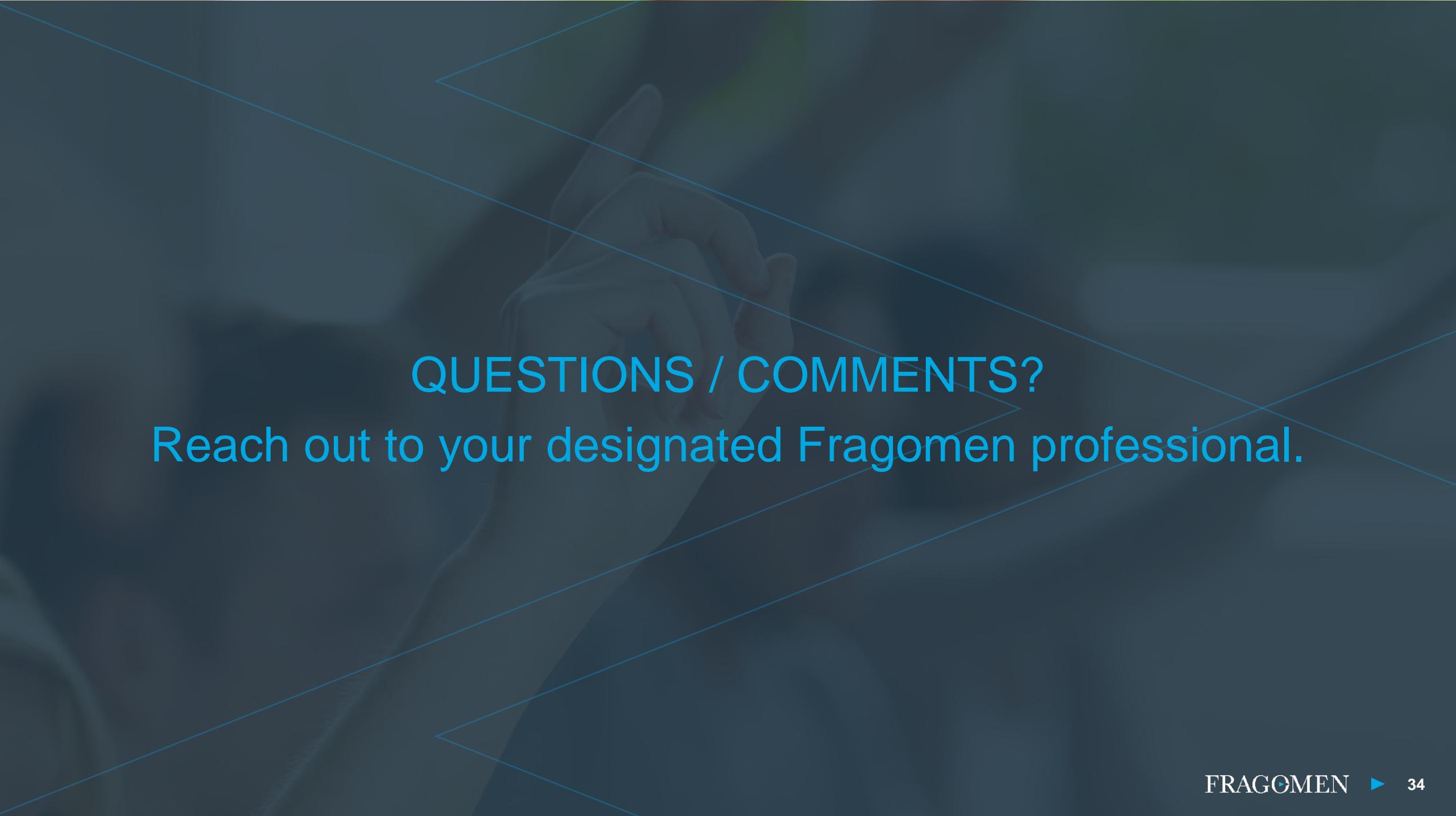
[View CSV of beneficiary table](#)

Beneficiaries	Status	Action
Person, Second 12/01/1997	<u>Selected</u> 9039694638223029402	N/A
Person, First 02/19/1980	<u>Submitted</u> 4906406252326181448	Delete
Person, Third 01/12/1984	<u>Denied (duplicated)</u> 1528359770564635360	N/A



What each beneficiary status means:

- ❖ Selected = chosen in the H-1B cap lottery
- ❖ Submitted = registered in time for the H-1B cap lottery; after lottery, also means that not initially selected but registration will be retained in the (unlikely) event that further numbers become available in the FY
- ❖ Not selected = not chosen in the H-1B cap lottery by end of FY
- ❖ Denied = USCIS identified prohibited duplicate registrations and denied the beneficiary



QUESTIONS / COMMENTS?

Reach out to your designated Fragomen professional.