

Steven Malm in Law360: ‘Best Practices for H-1B Visa Case Vetting Before Registration’

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PRACTICES Labor and Employment, Immigration, Litigation, Mergers and Acquisitions

In 2020, U.S. Citizenship and Immigration Services inaugurated a registration-based H-1B visa lottery process, obviating the need for employers to prepare and file full-fledged H-1B petitions to enter someone into the lottery.

The process, by and large, has functioned smoothly. There has been no calamitous system crash; employers and their representatives have been able to set up their online USCIS accounts to submit H-1B registrations and receive selection notifications with only minor glitches reported; and — perhaps most propitiously — USCIS has run lotteries in the fall and winter to allot remaining H-1B visas that, for whatever reason, remained unused after the preceding three-month filing period.

No such system to mitigate the waste of H-1B visas existed previously. Yet, for all the facility associated with the new process, thorny eligibility issues may lurk.

Under the saying attributed to Benjamin Franklin that "an ounce of prevention is worth a pound of cure," prudence dictates careful screening of H-1B visa cases prior to registration. This will help avoid the dreaded USCIS bogeymen — requests for evidence, or RFEs, and denials — down the road.

Excerpted from *Law360*. Read more [here](#).