

FY 2022 H-1B Cap Season - What To Expect This Year



About the Presenters



Gina Sales-Cengiz
Partner

Corporate Immigration Partners
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- Gina brings more than a decade of experience in business immigration to Corporate Immigration Partners
- Served as a senior paralegal for leading immigration law firms before dedicating herself to law school.
- Gina is experienced in handling all types of non-immigrant and immigrant visa petitions and applications, and in supervising case assignments, production, document review, and status reporting.
- Gina enjoys building strong and sustainable relationships with global mobility teams through annual town hall forums and quarterly onsite presentations to HR professionals, managers, recruiters, and foreign nationals.

About the Presenters



Marco Satala
Attorney

Corporate Immigration Partners
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- Marco has been practicing immigration law since 2014. Prior to that, he worked as a law clerk in business immigration since 2012.
- His client base over the years has spanned from start-up to Fortune 100 companies in the technology, mining, healthcare, biomedical, and gaming industries.
- With a solutions-oriented approach, Marco enjoys finding creative ways to ensure companies obtain the best possible talent and turn around denied cases.
- Marco is the son of Polish and Chilean immigrants, which motivates him to help others finding their own path into the U.S. with a sense of empathy and understanding.

About the Presenters



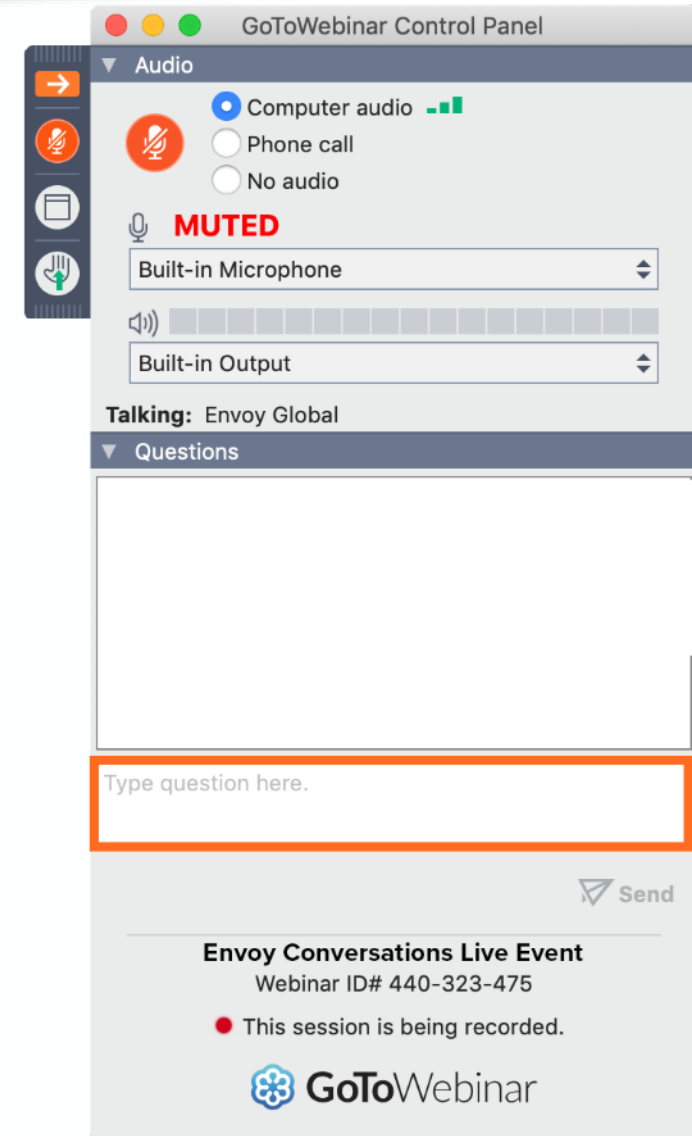
Natalie Emerson
CRM Team Manager
Envoy Global

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- Natalie has nearly seven years of experience with Envoy.
- She manages relationships with large-scale B2B and B2C tech companies.
- Natalie will be involved in monitoring the onboarding as well as closely following ongoing case management.

Q & A

Submit your question via the Questions control panel



The screenshot shows the GoToWebinar Control Panel interface. It features a sidebar with navigation icons for home, audio, chat, and help. The main panel is divided into sections: 'Audio' with radio buttons for 'Computer audio' (selected), 'Phone call', and 'No audio'; a 'MUTED' status indicator; a dropdown menu for 'Built-in Microphone'; a volume slider; and another dropdown for 'Built-in Output'. Below this is the 'Talking: Envoy Global' status. The 'Questions' section contains a large empty text area and a smaller input field at the bottom with the placeholder text 'Type question here.' and a 'Send' button. At the very bottom, there is event information: 'Envoy Conversations Live Event', 'Webinar ID# 440-323-475', a recording notice 'This session is being recorded.', and the GoToWebinar logo.

Agenda



Last Year

- What We Learned in FY 2021
- Registration Process
- Second Selection and Close of H-1B Lottery

This Year

- Policy Landscape and Changes This Year
- What to Expect from CIP
- Case Processing and Anticipated Timelines
- The App and “Cap Planner”
- Resources Available to You

What We Learned in FY 2021



- First time completing online registration
- Last minute details from USCIS
 - Fluid process
- All-in-all the process went well
- No critical technology issues from USCIS



Selection Process



Initial Selection

Nationwide:

CIP: 518 Initial Selections

Second Selection

Nationwide:

CIP: 67 Second Selections

CIP Total Selections: 585 of 1317 (44.4%)

Nationwide Average: ~85,000/275,000 (30%)

Close of Registration



- Possibility of second batch of selections
- Not being selected does not confer a “denial” or “rejection”
- Can re-register for next year

Policy Updates



- **Dec. 14, 2020:** A federal judge struck down new rule on increased H-1B wage requirements.
 - DOL has already returned to pre-Oct. 8, 2020 wage data for PERM and H-1B, H-1B1 and E-3.
 - But DOL published new rule reinstating new wage levels. Increased wages take effect July 2021.
- Department of Homeland Security has now published a final rule to change the H-1B lottery to a wage-based selection process.*
 - *Will the Biden administration reverse course?
 - *Will lawsuits reverse the rule?

How does the new rule affect the H cap registration process?



- The Final Rule implements a **wage-based ranking and selection system**.
- What data will USCIS consider?
 - Two important data points for selection: **(1) Offered Salary** and **(2) Corresponding wage level** based on appropriate job code.

FLC Wage Results [New Quick Search](#) [New Search Wizard](#)

You selected the All Industries database for 7/2020 - 6/2021.

Your search returned the following: [Print Format](#)

Area Code:	41860
Area Title:	San Francisco-Oakland-Hayward, CA
OES/SOC Code:	15-1132
OES/SOC Title:	Software Developers, Applications
GeoLevel:	1
Level 1 Wage:	\$46.45 hour - \$96,616 year
Level 2 Wage:	\$58.14 hour - \$120,931 year
Level 3 Wage:	\$69.83 hour - \$145,246 year
Level 4 Wage:	\$81.52 hour - \$169,562 year
Mean Wage (H-2B):	\$69.83 hour - \$145,246 year

How does the new rule affect the H cap registration process?



Selection Process:

- USCIS will rank and select registrations based on the highest OES wage level that the offered wage falls into.
- The order of selection starts with wage level 4 and descends with OES wage levels 3, 2, and 1.
- If there are more registrants in a wage level than available visas, USCIS will choose randomly within that wage level.
- Example for context in FY21:
 - Levels (3 & 4): 34,357 registrations
 - Levels (1 & 2): 234,837 registrations
- Alternative wage surveys? Multiple locations? Who is counted first?

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Case Processing



Anticipated Timelines FY 2022 (subject to government changes)



Case Prep Options

1. Registration
2. Registration + LCA
3. Full Case Prep

The Envoy App and Cap Planner



envoy | Search for an employee or case

Workforce Planner | Cases to Open | **H-1B Cap Planner** | Employee Directory

PY2021 H-1B Cap Registration: **March 1 - March 20, 2020**

H-1B Cap Registration → Selected in H-1B Cap Lottery

10 total employees | Export

Full Petition	Cap Analysis + LCA	Cap Analysis	Self-Service
Paavan Panamkari	SenCorp - West	2/18/2020	Registration: 2/24/2020
Amit Vitteen	SenCorp - West	2/18/2020	Complete Questionnaire

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envoy | Search for an employee or case

Workforce Planner | Cases to Open | **H-1B Cap Planner** | Employee Directory

PY2021 H-1B Cap Registration: **April 1 - June 30, 2020**

H-1B Cap Registration → Selected in H-1B Cap Lottery

10 total employees | Export

Select a Cap Year View

2020

2019

29	4	12	3	2	0
Registered in Lottery	Selected in Lottery	Case Filed	RFE Received	Application Approved	Application Rejected

Employee Name	Division	Current Visa	Expiration	Case Status	Receipt No	H-1B Alternative(s)
Srinath Achya	SenCorp - West	F4	2/13/2020	Information Gathering	Pending	Pending
Paavan Panamkari	SenCorp - West	L4	6/4/2020	Information Gathering	Pending	Pending
Wescom Kharoli	SenCorp - East	F4	7/2/2020	Information Gathering	Pending	Pending
Qin Ruitang	SenCorp - West	F4	6/24/2020	Information Gathering	Pending	Pending

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Resources



[Knowledge Center](#)

[H-1B Cap Resources](#)

Webinar February 14th at 2pm PST - Registration Process

Questions?

