

USCIS Response to Coronavirus (COVID-19)



**U.S. Citizenship
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USCIS Will Allow Resubmission of Certain FY 2021 H-1B Petitions Rejected or Closed Due to Start Date

Release Date : 06/23/2021

U.S. Citizenship and Immigration Services announced today it will accept resubmitted fiscal year (FY) 2021 H-1B cap-subject petitions that were rejected or administratively closed solely because the requested start date was after Oct. 1, 2020.

If your FY 2021 petition was rejected or administratively closed solely because your petition was based on a registration submitted during the initial registration period, but you requested a start date after Oct. 1, 2020, you may re-submit that previously filed petition, with all applicable fees, at the address below. Such petitions must be resubmitted before Oct. 1, 2021. If properly resubmitted, we will consider the petition to have been filed on the original receipt date.

USPS	FedEx, UPS, and DHL Deliveries	Forms I-129/I-907 Premium Processing
USCIS TSC Attn: H-1B CAP Filings FY21 6046 N Belt Line Rd. STE 107 Irving, TX 75038-0010	USCIS TSC Attn: H-1B CAP Filings FY21 6046 N Belt Line Rd. STE 107 Irving, TX 75038-0010	USCIS TSC Attn: H-1B CAP Filings FY21 6046 N Belt Line Rd. STE 907 Irving, TX 75038-002

When resubmitting the petition, you must include your FY 2021 H-1B cap registration selection notice. If you received a rejection or administrative closure notice for the original FY 2021 H-1B cap petition, you should include that as well. We also encourage the use of a brightly colored coversheet indicating that you are refiling an FY 2021 H-1B cap case that was originally rejected or administratively closed solely because your petition was based on a registration submitted during the initial registration period, but you requested a start date after Oct. 1, 2020. This will help ensure that it is reviewed upon receipt.

Background

In 2020, we implemented an electronic registration process for the H-1B cap. Prospective petitioners seeking to file H-1B cap-subject petitions, including for beneficiaries eligible for the advanced degree exemption, must first electronically register and pay the \$10 H-1B registration fee for each beneficiary. The

electronic registration process has streamlined processing by reducing paperwork and data exchange and provided overall cost savings to employers seeking to file H-1B cap-subject petitions.

For FY 2021, the number of petitions filed during the initial filing period was below the number projected as needed to reach the numerical allocations. This discrepancy was likely related to multiple factors, including the economic, political, and public health uncertainty created by the COVID-19 pandemic, as well as the fact that FY 2021 was the first year that we implemented the electronic registration process. Therefore, in August 2020, we selected additional registrations that were held in reserve. The filing period for registrations selected in August ended on Nov. 16, 2020. Some petitioners indicated a start date after Oct. 1, 2020. We rejected or administratively closed those petitions because they were based on registrations submitted during the initial registration period but indicated a start date after Oct. 1, 2020. Upon reconsideration, we no longer believe that the regulations required us to reject or administratively close those petitions.

Last Reviewed/Updated: 06/23/2021