

# H-1B visas move online: How Canadian companies can navigate the digital migration

By **David Wilks**

Law360 Canada (November 8, 2024, 1:25 PM EST) -- For well over a decade, U.S. Citizenship and Immigration Services (USCIS) has sought to bring U.S. immigration benefit filings online. Until recently, such online filings had largely remained limited to personal filings, such as an I-90 (Application to Replace Permanent Resident Card) or N-400 (Application for Naturalization). This meant that employers have continued to ship large paper-based petitions (often with hundreds of pages of paper) to various USCIS service centers throughout the United States, adding additional logistics and materials costs to the already cumbersome process.



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Beginning in 2024, USCIS created a fully online filing option (via myUSCIS) for one of its most important business visa statuses, the H-1B Specialty Occupation Professional. The H-1B allows for college educated foreign nationals to work in their specialty in the United States. Canadian companies typically use the H-1B when planning for permanent residence for non-managerial employees or for new U.S.-based hires with no prior work-experience with a non-U.S. affiliate. The H-1B is particularly useful for new U.S.-based employees hired straight out of a U.S. college or university or for new hires who already hold H-1B status with a prior employer.



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There are only 65,000 new H-1B visas available each year for those holding bachelor’s degrees, with an additional 20,000 for those holding U.S. master’s degrees or U.S. PhDs.

While the H-1B lottery system moved online in 2020, this marked the first time the full petition could be filed online. This provides several benefits:

- Immediate case acceptance and issuance of receipt notices, helpful when facing an H-1B cap deadline or when looking to use H-1B portability allowing H-1B transfers to begin work at a

new employer upon filing the petition.

- Fully online filing fee payments, with the fee amount calculated by USCIS and paid by credit card. Using a credit card with paper filings requires putting sensitive financial information on a form that is physically shipped to USCIS. Additionally, having the fees calculated by USCIS removes the risk of rejection based on incorrect fees.
- A US\$50 reduction on filing fees.
- Fewer ink signatures required of petitioners, with only the Labor Conditions Application requiring physical signatures.
- No shipping costs.

While the benefits of the online system are extensive, bear in mind that:

- The system does not allow for concurrent online filings for dependents, meaning that the system works best for foreign nationals not requesting benefits for spouses and children.
- The system is new, and occasionally data disappears from your profile view (but not from the system itself). USCIS has thus far been very responsive when this occurs, but myUSCIS should not substitute a secure document storage system.
- Some popular immigration case management systems may not yet be compatible with myUSCIS. While some case management systems have managed to find ways of working with myUSCIS, you should check with your provider.
- The myUSCIS system is sometimes down, so it may not always be available if facing a strict deadline.

While the online filing system has not fully replaced paper H-1B filings, the system has substantial promise and is a key new tool for Canadian companies seeking to add further efficiencies into their U.S. immigration processes.

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