

Medline Industries H-1B Lottery Information

GENERAL QUESTIONS ABOUT INITIAL H-1B VISAS

What is the H-1B visa?

The H-1B visa is available to employers to sponsor foreign nationals for roles that are “Specialty Occupations” – positions that involve the theoretical and practical knowledge gained during the course of attaining at least a Bachelor’s Degree in an academic field related to the occupation. The US Citizenship and Immigration Services (USCIS) allots a maximum of 85,000 new H-1B visas per US Fiscal Year. Of this, 20,000 visas are reserved for foreign nationals with advanced degrees (Masters+) from a Public or Not-For-Profit US college/university while the remaining 65,000 are available for applicants that have at least a U.S. bachelor's degree or equivalent. This is known as the H-1B Cap.

Who is eligible for an H-1B?

Anyone who is working in a position that requires a minimum of a Bachelor’s degree in a specific specialty and holds the required degree. There is no requirement that the person is in the United States or even working for Medline.

What is the H-1B lottery?

The USCIS has continuously received more than the maximum allotted H-1B Cap applications, resulting in the need for a lottery to select those that will be eligible to file an H-1B petition to the USCIS. In years past, the odds of being selected in the lottery were around 20-25%, but this may fluctuate based on the number of registrations received within the lottery registration period.

Is the lottery random?

Yes, it is a random lottery conducted by the USCIS with all the registrations that have been submitted during the registration period.

Are there multiple rounds?

This depends on the USCIS. With the online registration system, the USCIS is able to quickly see how many selected registrations were unused during the filing window and they are able to hold subsequent lottery rounds for those unused H-1Bs.

Are initial H-1B visas guaranteed?

No. In general, immigration benefits are not guaranteed. In terms of the initial H-1B visas, selection in the lottery is not guaranteed and approval of a case after selection is not guaranteed either.

What is the timeline for the H-1B lottery process?

USCIS has not announced the specific dates just yet, although last year the window was open from March 1st to March 20th. It is reasonable to presume that the registration window for 2024 will have similar dates. More information will be provided as soon as the USCIS announces the registration

window. We have seen the USCIS complete its lottery within a week after the registration window closed. If a registration is selected in the lottery, Medline may decide to continue sponsoring the employee and submit the H-1B petition to USCIS during the filing window that runs from April 1st to June 30th.

Is the H-1B lottery same as H-1B cap?

Both are used to refer to the same process for obtaining an initial H-1B for a specific individual.

POST-SELECTION IN THE LOTTERY AND APPROVAL OF THE H-1B PETITION

H-1B status: The employee may begin working under H-1B status no earlier than October 1, assuming the petition has been approved before then, and depending on the specifics of the case. They will continue to work on their current status until the H-1B becomes active on or after October 1st .

Prevailing Wage: The H-1B salary (effective no earlier than October 1) must be at least the actual wage rate paid by the employer, which must match or exceed what is the prevailing wage as determined by the U.S. Department of Labor, which may or may not be the same as the market wage. Please see the Labor Condition Application (LCA) for the minimum wage and the actual wage that the employer has committed to pay the beneficiary in H-1B status.

Amendments: Any changes to worksite, job title or duties throughout the validity of the H-1B must be updated with the USCIS via an amendment petition. This entails further costs and approval is not guaranteed.

Extensions and maximum stay in H-1B status: The H-1B is generally granted for 3 years and can be renewed for a further 3 years, for a total of up to 6 years, normally, albeit some exceptions to the 6-year maximum duration do exist. Extensions must be filed before status expiration and can be filed as early as 6 months ahead of time. This entails further costs and approval is not guaranteed.

Termination of employment: Upon employment termination, Medline would have to withdraw the H-1B petition with the USCIS and the Department of Labor. If the termination is involuntary, Medline must offer to pay the transportation costs for the H-1B worker to return to his or her home country.

I-9 Reverification: Medline must verify the H-1B employee in the I-9 system with their new H-1B status.

Tax withholding: Depending on the employee's immigration status they may have been exempted from certain federal tax withholding. The exemption from certain federal tax withholding generally ends with the change of status to H-1B. Medline's HRIS system does not change the tax withholding automatically so the HR and employee would need to notify payroll to ensure the employee's withholding status is stated correctly in Medline's HRIS system.