

FY2024 H-1B Cap Lottery Registration

On Friday, January 27, 2023, U.S. Citizenship and Immigration Services (USCIS) announced that the initial registration period for the FY2024 H-1B Cap Lottery will begin on March 1, 2023. The initial registration will open at noon Eastern Time (EST) on March 1, 2023, and run through noon (EST) on March 17, 2023. Both attorney representatives and registrants must wait until March 1, 2023, to create and complete H-1B registrations through USCIS's H-1B Registration. USCIS intends to notify account holders of selections by March 31, 2023.

Since 2020, USCIS has been utilizing its electronic registration process for the H-1B cap cases. The electronics system requires prospective petitioners seeking to file H-1B cap-subject petitions to first electronically register and then pay the associated \$10 H-1B registration fee for each beneficiary. This electronic registration process has streamlined processing by reducing paperwork and data exchange and has provided overall cost savings to employers seeking to file H-1B cap-subject petitions. Registrants will be able to create new accounts beginning at noon (EST) on February 21, 2023. This year, USCIS will open the initial registration period for 17 calendar days. The H-1B random selection process will then be run on properly submitted electronic registrations. Only those with selected registrations will be eligible to file H-1B cap-subject petitions. The U.S. Department of the Treasury has approved a temporary increase in the daily credit card transaction limit for the FY 2024 H-1B Cap season. This temporary increase is in response to the volume of previous H-1B registrations that exceeded the daily credit card limit in previous years.

USCIS will run the random selection process from the electronic registrations and determine which registrants will be eligible to file H-1B cap-subject petitions for the 65,000 available slots. USCIS will then select an additional 20,000 registrants reserved for those with an advanced degree from a U.S. college or university. Once selected in the random lottery, eligible registrants will then submit complete H-1B cap-subject petitions with all supporting documents to USCIS. As the demand for cap-subject H-1B visas has far exceeded the 85,000 visas available per fiscal year, we anticipate that USCIS will once again receive more registrations than there are available visas.

We urge employers to assess your hiring needs to determine which candidates will require H-1B sponsorship. These might include F-1 students on OPT, J-1 workers not subject to the two-year foreign residency requirement, TN, E-2 and L-1 workers, as well as any foreign nationals who currently reside outside the United States. In order to assess whether to file an H-1B registration in March, we will need to analyze the employer, the position, and the beneficiary to confirm that the applicant is eligible for an H-1B visa.

Remember, the H-1B lottery only relates to cap-subject H-1B petitions. The H-1B lottery does not relate to current H-1B workers who are extending or amending their visas or changing employers (unless the current H-1B worker is working for a cap-exempt employer). The lottery would also not apply to a foreign national working for a cap exempt employer (an institution of higher education, a related or affiliated nonprofit entity, a nonprofit research organization, or a government research organization).

Please contact our immigration team for assistance with H-1B Cap Registration Petitions.



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