

Mobility: Immigration alert

March 2023

United States

USCIS Announces Completion of H-1B Initial Electronic Registration Selection Process

Executive summary

On 27 March 2023, U.S. Citizenship and Immigration Services (USCIS) announced that it has received enough electronic registrations to reach the FY 2024 H-1B numerical allocations. Prospective petitioners with selected registrations may file FY 2024 H-1B cap-subject petitions, including those petitions eligible for the advanced degree exemption, with USCIS beginning 1 April 2023.

Background and analysis

The USCIS announcement confirmed that the agency has received enough electronic registrations during the initial registration period to reach the FY 2024 H-1B numerical allocations (H-1B cap), including the advanced degree exemption (Master's cap). All prospective petitioners with selected registrations should have received selection notifications from USCIS in their myUSCIS online account as of 27 March 2023.

Prospective petitioners with selected registrations may start filing FY 2024 H-1B cap-subject petitions with USCIS no earlier than 1 April 2023. Prospective petitioners may only file a petition for the beneficiary named in the registration notice.

What this means

Starting on 1 April 2023 until 30 June 2023, prospective petitioners with selected registrations may file an H-1B cap-subject petition for the named beneficiary in the registration notice at the USCIS Service Center reflected on the notice. USCIS will deny or reject an H-1B cap-subject

petition if it is not properly filed within the filing period and at the correct USCIS Service Center.

While selection in the registration process confirms the eligibility of a petitioner to file an H-1B cap-subject petition, it does not mean that the named beneficiary is approved for H-1B status. Therefore, petitioners are required to prepare and file the H-1B petition with evidence establishing eligibility of the named beneficiary for H-1B status in line with statutory and regulatory requirements.

USCIS also reminds stakeholders that the process of intaking petitions and issuing corresponding I-797 Receipt Notices is often delayed during the H-1B cap filing period due to the increased volumes. USCIS will assist with investigating such a delay if 30 days or more have passed since the filing was confirmed as delivered to the correct Service Center. Due to the inconvenience and anxiety that may be caused while awaiting a Receipt Notice, which many foreign nationals require for public benefits (such as a driver's license), we recommend petitioners file their requests as early during the 90-day window as possible.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.



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