

# Mobility: Immigration alert

February 2023

## United States

### USCIS announces FY 2024 H-1B Cap Registration Period

#### Executive summary

U.S. Citizenship and Immigration Services (USCIS) has announced that the initial registration period for the fiscal year (FY) 2024 H-1B Cap will run from 1 March to 17 March 2023. During this period, prospective petitioners and representatives will be able to complete and submit their registrations using USCIS' online H-1B registration system.

#### Background and analysis

On 27 January, USCIS announced that it will open the H-1B Cap registration period for FY 2024 on Wednesday, 1 March 2023 at 12pm EST, and will permit the submission of registrations through to 12pm EST on Friday, 17 March.

All H-1B cap-subject prospective petitioners, including those seeking to file a petition for a beneficiary eligible for the advanced degree exemption, must first submit the electronic registration and pay the required \$10 fee for each beneficiary using a myUSCIS online account during the registration period. For petitioners registering for the first time, new accounts can be created beginning at 12pm EST on 21 February.

Prospective petitioners or representatives will be able to prepare, edit, and draft registrations prior to final payment and submission. However, registrations cannot be submitted until 1 March. Once a registration is submitted, USCIS will assign it a confirmation number. This number is used solely for the purpose of tracking the registrations and cannot be used to track the case status online.

#### What this means

If USCIS receives enough registrations by 17 March, the agency will randomly select registrations and send selection notifications via users' myUSCIS online accounts. If USCIS does not receive enough registrations to meet the annual 85,000 cap, all registrations that were properly submitted in the initial registration period will be selected.

USCIS intends to conduct the selection process and notify account holders by 31 March. If selected, a petitioner may file an H-1B cap-subject petition for the named beneficiary during the associated filing period, which will be reflected on the selection notice from USCIS. The petition filing period for the FY 2024 H-1B Cap has not yet been released by the USCIS; in past years, it has taken place from 1 April to 30 June.

It is unknown at this time whether USCIS' proposed fee rule will be finalized and implemented by the time the filing period for selected registrations opens. USCIS is currently collecting comments on this rule from the public, which will be accepted until 6 March 2023. If these comments are efficiently reviewed and a final rule issued shortly thereafter, it is possible that the new fees will apply to FY 2024 H-1B Cap petitions with the potential to impact the likelihood of petitioners' proceeding to file petitions on selected registrations. If USCIS experiences low filing volume from the initial selection, additional rounds of selection may be required to meet the annual cap.



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We will continue to monitor developments in this area and provide updates as they are available. Please reach out to your EY Law professional with any questions in the meantime.

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