



GMS Flash Alert

Immigration Edition

2023-157 | August 2, 2023



United States – Second H-1B Lottery Conducted for FY2024

On July 31, 2023, the United States Citizenship and Immigration Services (USCIS) announced that the agency completed the selection for a second H-1B cap lottery for fiscal year (FY) 2024.¹ Selected registrations are eligible to file H-1B cap-subject petitions during the filing period of August 2, 2023, to October 31, 2023. Selection notices were posted to employers' H-1B cap registration online accounts, indicating which USCIS Service Center to file the particular H-1B Cap petition. The initial H-1B cap lottery was conducted in March 2023. (For prior coverage, see [GMS Flash Alert: 2023-071](#) (March 30, 2023).

Additional H-1B registrations were selected as the first filing period did not yield enough H-1B cap petitions to meet the annual quota of 85,000. USCIS has confirmed that 77,600 additional registrations were selected in the second lottery.

WHY THIS MATTERS

The announcement of a second H-1B cap lottery is welcome news to employers and thousands of potential H-1B beneficiaries. No action was required for previously unselected registrations to be eligible for the second draw. Employers and their legal counsel should immediately review their online accounts to determine whether new registrations were selected.

More Details

USCIS saw a significant increase in the number of registrations submitted, including those submitted on behalf of beneficiaries with multiple registrations and with only one registration. The large number of eligible registrations for beneficiaries with multiple eligible registrations – much larger than in previous years – and the fact that 77,600 additional registrations were selected in the second lottery, have raised serious concerns that some may have tried to gain an unfair advantage by working together to submit multiple registrations on behalf of the same beneficiary. This may have unfairly increased their chances of selection. USCIS is undertaking extensive fraud investigations, and is denying and revoking petitions accordingly, making law enforcement referrals for criminal prosecution if fraud is determined.

KPMG INSIGHTS

Employers with newly selected registrations are encouraged to work closely with immigration counsel to monitor selections, to ensure that H-1B cap petitions are filed within the deadline and to the correct USCIS Service Center. The USCIS will only accept paper-based H-1B cap-subject petitions, which must be received by the agency within the appropriate timeline along with a printed copy of the applicable registration selection notice. At this time, it is unclear whether a third lottery will take place for FY2024. For more information on the H-1B Cap, USCIS has dedicated a H-1B Cap Season page.³

KPMG Law LLP in Canada is tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

FOOTNOTES:

- 1 See U.S. Citizenship and Immigration Services, [“Second Random Selection from Previously Submitted Registrations Complete for FY2024 H-1B Cap”](#) (July 31, 2023) and U.S. Citizenship and Immigration Services, [“USCIS Will Conduct Second Random Selection from Previously Submitted FY 2024 H-1B Cap Registrations”](#) (July 27, 2023).
- 2 Id.
- 3 See the USCIS webpage [“H-1B Cap Season.”](#)

* * * *

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



Laura Wong
Associate Attorney,
U.S. Immigration
Tel. + 1 416-468-7166
Laurawong1@kpmg.ca



Sylvia Yong
Manager / Attorney,
U.S. Immigration
Tel. +1 416-943-7894
sylviayong@kpmg.ca

** Please note the KPMG International member firm in the United States does not provide immigration or labor law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

The information contained in this newsletter was submitted by the KPMG International member firm in Canada.

© 2023 KPMG LLP, an Ontario limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

www.kpmg.com

kpmg.com/socialmedia



© 2023 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are registered trademarks or trademarks of KPMG International. The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

GMS Flash Alert is a publication of the KPMG LLP Washington National Tax practice.