



GMS Flash Alert

Immigration Edition

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United States - FY 2024 H-1B Cap Lottery Registration Opens March 1

On January 27, 2023, the United States Citizenship and Immigration Services (USCIS) announced that the initial registration period for the H-1B cap in fiscal year (FY) 2024 will open at 12:00 p.m. (EST) on March 1, 2023 and end at 12:00 p.m. (EST) on March 17, 2023.¹ Petitioners and their representatives will be able to complete and submit registrations for prospective H-1B candidates using USCIS's online H-1B registration system during the indicated period. USCIS intends to notify registrants (employer and agents) of the selected H-1B registrations by March 31, 2023.

WHY THIS MATTERS

U.S. companies have the opportunity to employ foreign nationals with theoretical and practical knowledge in specialty occupations pursuant to the H-1B specialty occupation visa category. The H-1B visa category is a great opportunity for companies to hire foreign talent, as it allows for six years of nonimmigrant work authorization during which the U.S. employer may pursue green card sponsorship on behalf of the foreign national employee.

Given the limited time period during which H-1B cap registrations may be submitted, employers are encouraged to work closely with their immigration counsel to finalize the list of prospective H-1B candidates for registration and gather the required information so that registrations are completed and submitted as soon as possible once the H-1B cap registration opens.

At the conclusion of the registration period (March 17, 2023) and no later than March 31, 2023, USCIS will notify registrants of selected H-1B registrations. Registrations marked as "selected" will be invited to file full H-1B petitions during a 90-day period. While USCIS has not yet announced the period for filing petitions for selected registrations, it is anticipated to begin on April 3, 2023.

H-1B Cap Process

Each year, 85,000 new H-1B visas are issued – referred to as the H-1B cap. Within the H-1B cap, 20,000 H-1B visas are reserved for individuals holding a Master's degree or higher from a qualifying U.S. university at the time of filing.² (For prior coverage, see the following issues of *GMS Flash Alert*: [2022-022](#) (February 1, 2022) and [2022-152](#) (August 25, 2022).)

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Last year, the USCIS selected enough electronic registrations in March 2022 to satisfy the 85,000 annual cap without the need to run additional lottery selection cycles, although in previous years, USCIS has run up to three lottery selection cycles to satisfy the annual cap.

Under the H-1B electronic registration process, employers register for the H-1B lottery by completing a short online form with information about the company and the prospective H-1B candidate. The H-1B lottery is conducted on the electronic registrations submitted during the initial registration period and only those with selected registrations will be eligible to file complete H-1B cap-subject petitions with the USCIS.

Electronic Registration

Prospective H-1B registrants are required to use a myUSCIS online account to register each prospective H-1B candidate electronically for the selection process and pay the associated USD 10 H-1B registration fee for each registration.³ **Registrations may only be submitted during the H-1B cap registration period between 12:00 p.m. (EST) on March 1, 2023 and end at 12:00 p.m. (EST) on March 17, 2023. No priority is given to registrations submitted earlier during this registration period.**

Prospective petitioners who have not previously created an employer “registrant” account may only do so beginning at 12:00 p.m. (EST) on February 21, 2023. Petitioners with previously-created registrant accounts are encouraged to work with immigration counsel to determine if any updates are required to be made on their accounts.

Representatives may add petitioners to their accounts at any time, but both petitioners and their representatives must wait until March 1, 2023, to enter beneficiary information and submit the registration with the USD 10 fee. Prospective petitioners or their representatives will be able to submit registrations for multiple beneficiaries in a single online session. Through the account, they will also be able to prepare, edit, and store draft registrations prior to final payment and submission of each registration. There is no limit on the number of registrations a petitioner or their representative may submit.

Looking Ahead

During the registration period, the USCIS will assign a confirmation number to each registration submitted through the online registration process.⁴ The confirmation number will be used for registration tracking purposes only and will not be compatible with the Case Status Online tool on the USCIS website. Like in previous years, USCIS will conduct two lotteries to select beneficiaries to meet the 85,000 annual cap:

— Regular Cap: Includes all registered beneficiaries. 65,000 available selections.

— Master’s Cap: Includes all registered beneficiaries who hold a U.S. advanced degree and were not selected under the regular cap. 20,000 available selections.

Through this process, beneficiaries who hold a Master’s degree or higher from a qualifying U.S. university are able to benefit from two opportunities of selection during the FY 2024 H-1B cap season.

At the conclusion of the registration period, registrations marked as “selected” will invited to file full H-1B petitions during a 90-day period, anticipated to begin on April 3, 2023.

Registrant Credit Card Limit Increased

USCIS also announced that the U.S. Department of Treasury has approved a temporary increase of the daily credit card transaction limit from USD 24,999.99 to USD 39,999.99 for the FY 2024 H-1B cap season.⁵ The agency explained that the increase is due to the volume of H-1B registrations in previous years where the daily credit card limit had been exceeded.

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It follows that this change will allow for a smoother and more seamless H-1B cap season, particularly for employers and representatives with a high volume of registrations who will now be able to more easily remit the H-1B cap lottery registration fees.

KPMG INSIGHTS: FINAL CONSIDERATIONS

Employers are encouraged to work closely with their immigration counsel to finalize the list of prospective H-1B candidates for registration and gather the required documentation in order to submit these candidates into the H-1B lottery. It is important for employers and employees to work with immigration counsel proactively to identify alternatives for prospective H-1B candidates who will exhaust their status in the United States if they are not elected in the FY 2024 H-1B lottery.

If employers need assistance opening a myUSCIS account, registering, identifying and assembling the necessary documents for an H-1B petition, making related applications (e.g., Labor Condition Application), understanding the fees (registration, filing, etc.), record retention leading practices, and/or understanding H-1B compliance requirements, they are encouraged to work closely with their qualified immigration counsel or a member of the Immigration team with KPMG Law LLP in Canada (see the Contact Us section below).

It may also be worthwhile considering using the USCIS premium processing service to expedite adjudications for petitions requiring notice of urgent approval if selected in FY 2024 H-1B cap lottery.

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, [“FY 2024 H-1B Cap Initial Registration Period Opens on March 1”](#) (January 27, 2023).
- 2 See U.S. Citizenship and Immigration Services, [“H-1B Cap Season | USCIS”](#) (Last updated: February 23, 2022).
- 3 See Supra Note 1.
- 4 Id.
- 5 Id.

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Contact us

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

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