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Reminder: The USCIS FY-2024 H-1B Quota Registration Period Now Open

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Practices: Immigration

The H-1B quota registration period for Fiscal Year 2024 is now open through Friday, March 17, 2023 (Noon Eastern time).

The H-1B quota limits the base number of H-1B petition approvals to 85,000, which includes 20,000 set aside for foreign students who have earned an advanced degree from an accredited, non-profit U.S. university (“U.S. advanced degree exception”).

The H-1B classification is used by employers hiring foreign workers in a “specialty occupation” – a job having the minimum requirement of a bachelor’s degree (or its equivalent) in a specific field. The employer is also required to comply with Department of Labor requirements regarding the wage and benefits offered and working conditions. While generally the employer does not need to prove the absence of available U.S. workers for the position, the H-1B classification may not be used to replace workers due to a strike, lockout or other work stoppage.

Employers who are subject to the H-1B quota and seek to sponsor a foreign worker must submit a registration for each prospective H-1B worker through their myUSCIS account. The fee for each registration remains \$10. USCIS has proposed an increase of the H-1B Registration fee to \$215, but this increase is currently under regulatory review and not in effect for the FY-2024 H-1B quota registration.

If the number of registrations received exceeds the quota, USCIS will hold a random selection (“H-1B lottery”) after March 17th. In prior years, the number of registrations has far exceeded the H-1B quota allotment. Last year (FY-2023), USCIS received 483,927 H-1B registrations, an increase of more than 175,000 registrations received during the FY-2022 H-1B registration period. If more than one registration for an employee is submitted by the same employer, the registrations are disqualified. A foreign worker, though, may have more than one employer submit a registration on their behalf.

USCIS aims to have the selection notification available in the employer’s myUSCIS account by March 31, 2023. If selected, the H-1B petition may be filed after April 1st (for employment commencing on or after October 1, 2023) and before the registration expires, generally a 90-day period. Selection of a registration creates an opportunity for the employer to file an H-1B petition for a foreign worker – it is not a guarantee that USCIS will approve the H-1B petition itself.

Employers interested in submitting an H-1B quota registration should immediately contact the MFEM Immigration Group so we may answer any questions and review the information needed to timely file the FY-2024 H-1B quota registrations.