

FY2024 H-1B Lottery Details Announced

Alert

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On January 27, 2023, the U.S. Citizenship and Immigration Services (USCIS) [announced](#) that the initial registration period for the fiscal year 2024 H-1B lottery will open on March 1, 2023 at noon EST and close on March 17, 2023 at noon EST. During this time, non-exempt U.S. employers interested in submitting H-1B petitions for foreign national professionals not previously in H-1B status for an October 1, 2023 start date must submit online electronic registrations.

Prospective petitioners may file H-1B cap subject registrations with USCIS via a myUSCIS “registrant” online account and pay a \$10 registration fee per beneficiary. Registrants will be able to create new accounts beginning at noon EST on February 21, 2023 for the electronic registration process. H-1B registration information cannot be submitted unless an employer has properly created an online employer account in the myUSCIS portal. Employers who have previously created their myUSCIS account are not required to create new accounts and may reuse their same account if the email address associated with the account remains valid.

It is imperative that employers start preparing for the H-1B registration process early. Employers compete for 85,000 H-1B cap numbers available each federal fiscal year for foreign national professionals in specialty occupations. This includes 65,000 under the “Regular Cap” plus an additional 20,000 under the “Master’s Cap,” reserved for beneficiaries holding U.S. advanced degrees. The demand for H-1B cap numbers typically substantially exceeds the supply. Last year, USCIS received 483,927 H-1B registrations, which was the highest number on record.

After the registration window closes on March 17, 2023, USCIS will conduct a random H-1B lottery among submitted registrations and will notify registrants and their authorized representative or attorney with selected registrations by March 31, 2023. Once notified of an H-1B registration selection, employers will have 90 days to file H-1B petitions with USCIS. Not all H-1B petitions are subject to the cap. Cap-exempt

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employers (e.g., institutions of higher education) and cap-subject employers sponsoring cap-exempt foreign nationals (e.g., individual previously counted against the cap) can file H-1B petitions at any time without the need to participate in the H-1B lottery.

As the lottery window is fast approaching, this is the prime time for employers to identify employees they may wish to register for this year's H-1B lottery, including the following groups:

- Foreign students employed pursuant to Curricular Practical Training (CPT), Optional Practical Training (OPT), or STEM OPT work authorization
- Current foreign national employees holding dependent nonimmigrant status (e.g., H-4/L2 EAD) or another type of work authorization (e.g., TN, O-1, J-1, H-3, L-1A/B, etc.) who would potentially benefit from changing status to H-1B (This also includes candidates who are currently in H-1B status with a cap-exempt employer who wish to have work authorization with a cap-subject employer)
- Prospective foreign national employees abroad or in the United States the employer would like to hire

Missing the H-1B lottery registration and filing windows will mean waiting an additional year before being able to submit an H-1B registration. Moreover, H-1B registrations and petitions may have substantially higher filing fees next year if the fee increase [proposal](#) is implemented.

For more information on the H-1B registration process and filing H-1B petitions, please contact [Olga Andreyeva](#), [Elizabeth Chatham](#), [Brad Sandler](#), [Renee Mueller Steinle](#), [Jonathan Sturtz](#) or the Stinson LLP contact with whom you regularly work.

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