

Mobility: Immigration alert

August 2023

United States

USCIS announces completion of second random selection from previously submitted FY 2024 H-1B cap registrations

Executive summary

On 31 July 2023, U.S. Citizenship and Immigration Services (USCIS) announced that it completed a second random H-1B selection from previously submitted electronic registrations for Fiscal Year (FY) 2024. All prospective petitioners with selected registrations from the second random selection will have had their myUSCIS accounts updated to include the new selection notice(s).

Background and analysis

As of 27 March 2023, after the initial registration period for FY 2024, USCIS received enough electronic registrations to reach the H-1B cap. Specifically, USCIS received 758,994 eligible registrations for the 65,000 regular cap as well as the 20,000 additional H-1B numbers allocated to the U.S. advanced degree cap.

This represented an increase not only in the number of overall registrations submitted, but also the number of registrations submitted on behalf of beneficiaries with multiple eligible registrations (a total of 408,891 of the 758,994 registrations for FY 2024), a development that has raised serious concerns about fraud and abuse in the registration process. To combat this, USCIS has undertaken extensive investigations resulting in denials and revocations of H-1B cap petitions.

USCIS believes the decreased filing rates following the first selection process for FY 2024, which necessitated the second random selection in order to meet the annual cap,

indicates that these investigations are having the desired effect. This will be small comfort, however, to the beneficiaries of eligible registrations who lost their U.S. work authorization and/or were required to leave the U.S. as a result of not receiving a cap number during the first selection.

What this means

Additional prospective petitioners will have the opportunity to file a petition for the beneficiary named in the selection notice at the USCIS Service Center reflected on the notice. Petitions may be submitted to USCIS beginning 2 August 2023 and must be received by USCIS no later than 31 October 2023.

Although selection in the registration process confirms the eligibility of a petitioner to file an H-1B cap-subject petition, it does not mean that the named beneficiary is approved for H-1B status. Petitioners must first establish eligibility for the petition approval based on existing statutory and regulatory requirements.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.



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EYG no. 007426-23GbI

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