

PUBLICATION

H-1B CAP Alert – Key Dates for this Year's H-1B Registration Process

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It's that time of year again: H-1B CAP season! The U.S. Citizenship and Immigration Services (USCIS) initial registration period for H-1B CAP will open at 12 p.m. ET on March 1 and run through 12 p.m. ET on March 17, 2023. During this period, prospective petitioners and representatives will be able to complete and submit their registrations using the USCIS online H-1B Registration system.

Prospective H-1B employers that do not yet have a "registrant" account in the myUSCIS system – the required account type for H-1B registrants – may begin creating accounts at 12 p.m. ET on **February 21**. Existing registration accounts created during last year's cap registration window may continue to be used for the FY 2024 registration period. Account creation can continue through the end of the registration period on March 17, 2023.

If an employer plans to sponsor foreign nationals for H-1B CAP employment in FY 2024, it must have an active registration account as an **"H-1B Registrant"** in the USCIS system and provide its Baker Donelson Immigration team with the required H-1B candidate information. Planning ahead will help ensure that employers are able to complete the required registration steps by 12 p.m. ET on March 17, 2023. All H-1B candidates must be registered during this period to be entered into the FY 2024 H-1B CAP selection lotteries.

Prospective H-1B cap-subject petitioners or their representatives are required to use a myUSCIS online account to register each Beneficiary electronically for the selection process and pay the associated **\$10 H-1B Registration fee** for each registration submitted on behalf of each Beneficiary.

After the close of the registration period, USCIS will run two H-1B CAP lotteries between March 17 at 12:01 p.m. ET and March 31, 2023; the first lottery will include all registered H-1B candidates, and USCIS will use this lottery to select enough registrations to meet the regular H-1B CAP of 65,000. The second lottery will include all registered advanced-degree CAP candidates who were not selected in the first lottery. USCIS will use this lottery to select enough registrations to meet the H-1B CAP exemption of 20,000 for holders of U.S. advanced degrees.

USCIS is expected to notify registrants and designated counsel of the lottery results by **March 31, 2023**. For each H-1B CAP Registration, USCIS will send an email to the employer's authorized signatory and immigration counsel **and will indicate on the selection notice whether the applicant was selected under the advanced-degree or regular CAP**. If USCIS does not receive enough registrations, all registrations that were properly submitted during the initial registration period will be selected.

The H-1B filing period begins on April 1, 2023, and will end no earlier than June 30, 2023. All FY 2024 H-1B CAP petitions must be submitted during this prescribed period; USCIS will not accept late filings.

More information is available on the USCIS [website](#).

Note that USCIS has proposed a fee increase, published in January, that would increase H-1B registration fees from \$10 to \$215. Thankfully, this increase will not affect the current lottery process, but next year, this process is likely to be significantly more expensive. See <https://www.uscis.gov/newsroom/news-releases/uscis-issues-proposed-rule-to-adjust-certain-immigration-and-naturalization-fees>.

If your organization will have to create a new account or change the designated HR contact for an existing account, please reach out to your Baker Donelson [Immigration team member](#), who will be happy to provide you with detailed account creation instructions. We will also guide you through the individual H-1B candidate registration process – employers are required to provide only a few details regarding each H-1B candidate they are sponsoring.

Antonio Garofalo, a paralegal at Baker Donelson, contributed to this article and is not admitted to the practice of law.