

USCIS Announces Registration Period for H-1B Cap for Fiscal Year 2023

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[U.S. Citizenship and Immigration Services \("USCIS"\)](#) recently announced the initial registration period for the 2023 H-1B visa program will begin at noon on March 1, 2022, and run through March 18, 2022. Petitions filed within this window afford prospective employers the opportunity to vie for one of the limited H-1B visas for their employees for next year.

What is the H-1B Visa?

The H-1B is a temporary, nonimmigrant visa category that enables employers to petition on behalf of highly educated foreign professionals who work in specialty occupations that require at least a bachelor's degree. These jobs are generally in the fields of science, technology, engineering, and mathematics ("STEM"), enhancing American competitiveness in the global economy. In fact, in an effort to be even more competitive, the Biden administration recently expanded eligible fields of study that qualify under the program, as noted below.

The H-1B visa allows U.S. employers to fill critically important jobs in the United States with foreign workers. While critics argue the visa potentially limits job opportunities for U.S. workers, others suggest that H-1B workers offer critical support to the U.S. economy. In fact, according to the [American Immigration Council](#), H-1B recipients provided critical assistance during the COVID-19 pandemic, with many doctors, scientists, and nurses present in the U.S. on the H-1B visa, including individuals who assisted with the development of vaccines.

Annual Cap on H-1B Visas

Ever since the H-1B visa was established in the Immigration Act of 1990, Congress has placed a statutory limit on the number available each year. Since 2006, the statutory cap has remained at 65,000, with an additional 20,000 made available for foreign professionals who graduate with either a master's degree or a doctoral degree from a U.S. college or university.

In recent years, the popularity of the program has led to these limits being hit long before the end of the year. In fact, from 2008 to 2020, the annual H-1B cap was exceeded eight times within the first five business days of the year. Due to the program's popularity, the U.S. government holds a lottery each year to determine who is selected for participation. Last year, USCIS received [over 300,000](#)

H-1B registrations.

Since 2020, USCIS has altered the H-1B registration process for employers so that full H-1B petitions are no longer required to enter the lottery. This means employers do not have to fill out entire petitions for employees who ultimately fail to secure a visa through the lottery process. USCIS now holds an open registration each year during which employers must electronically register each foreign national for whom the employer intends to file a petition. This process requires a \$10.00 fee for each registration submitted.

To date, no limit exists on the number of registrations an employer may submit as part of the registration process. That said, the employer must attest its intention to file an H-1B petition for each registered individual.

Registration for Fiscal Year 2023

To register under this process, employers must create a “myUSCIS” account and enter the relevant beneficiary information. Registrants will be notified of the results of the lottery by March 31, 2022, assuming registrations exceed the statutory cap. Those who are not selected will be placed on a waitlist.

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