

H1B Registration: A Lottery of Sorts

Article By:

Laurie M. Riley

Mary Ellen Burggraf Jordan

An H1B visa or status is available for “specialty occupations,” those that require theoretical and practical application of a body of highly specialized knowledge and the attainment of a bachelor’s degree or equivalent as a minimum requirement to perform the job duties. In simple terms, the position must require a bachelor’s degree in a specific field, and the individual you wish to hire must hold that degree. This has made the H1B program very popular with foreign nationals who come to the United States on student visas. In fact, “popular” is an understatement. There is an annual cap of 85,000 H1Bs. The problem is that demand significantly exceeds available H1Bs. In recent years, US Citizenship and Immigration Services (USCIS) has implemented a registration system. Let’s take a look at how the registration system works.

- Starting **February 21, 2023**, employers can create a myUSCIS account on the [USCIS website](#). Be sure to create a registrant account. Your legal counsel likely has an account, but employers still need to create their own account.
- **Beginning at noon ET March 1, 2023 through noon ET on March 17, 2023**, employers or their attorneys can register for the H1B program. Each registration requires:
 - Company name
 - Foreign national’s full name (beneficiary)
 - Foreign national’s country of citizenship
 - Foreign national’s passport number
 - A \$10 fee payment

Note that employers that file more than one registration for the same employee will be rejected.

- USCIS intends to complete the selection process by **March 31, 2023**. Notifications can be

found online by logging in to [myUSCIS.gov](https://myuscis.gov). If not initially selected, registrations will remain pending in the event it becomes necessary for USCIS to make additional selections — due to denials or selected registrants' failure to file applications.

- For those selected, April 1, 2023, is the earliest date to file H1B petitions. The registrant has **90 days** to file the petition. Work can commence up to six months after filing, on or after **October 1, 2023**.

To give you an idea of your chances, for fiscal year 2023 (last year's registration and filings), USCIS received over 483,000 registrations for 85,000 available spots. If you are thinking of hiring foreign nationals, and especially individuals working on a student visa, you must act now.

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