

H-1B Cap Season is Upon Us



Immigration Blog

By [Andrew M. Wilson](#)

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The start of a new calendar year means that it is H-1B cap filing season again. This year the process will once again be implemented through the USCIS online lottery registration tool.

USCIS will be announcing the specific dates in March for this year's registration period.

The new USCIS proposed rule to increase H-1B cap registration fees will not affect this year's registration process. The H-1B cap registration fee will again be \$10 for each individual registered.

We will have to see if hopes of a soft landing for the economy will translate into a new record for lottery registrations, or if layoffs in the tech industry will translate into lower numbers. My guess is that issues in the tech sector will mean lower registrations this year.

H-1B Cap Individuals

Companies need to evaluate their anticipated hiring needs for H-1B professionals, specifically those requiring initial

H-1B status. This is particularly true for any current employees working under Optional Practical Training (OPT), any individuals who were not chosen under last year's H-1B cap lottery process and any individuals running out of L-1 time.

Overview of H-1B Cap Lottery Registration Process

USCIS implemented a requirement that employers seeking to file H-1B cap-subject petitions, including those eligible for the advanced degree exemption, must first electronically register and pay the associated H-1B registration fee to determine if they may file an H-1B cap-subject petition.

The initial registration period will open in March 2023. USCIS will close the initial registration period before the end of March 2023.

USCIS will notify registrants with selected registrations from the initial registration period by April 1st.

Selected registrants should be able to begin filing petitions beginning April 1st. Petitioners have at least 90 days from the date of a registration selection to submit a complete H-1B petition to USCIS. Petitions will be adjudicated in the order in which they are received. Note: USCIS will select enough registrations necessary to meet the applicable numerical limitations; therefore, as long as a petition is properly filed during the petition filing window it will be adjudicated.

H-1B Cap Lottery Outlook

Last year saw a record 483,927 H-1B cap registrations and only one random selection process. In FY 2022, there were 308,613 H-1B cap registrations and USCIS conducted three (3) rounds of random selections. These numbers show that it is time to revisit the 85,000 H-1B cap annual quota. Even with a slowdown in tech, we need the 195,000 that we had for 2001-2003. See:

<https://lnkd.in/gZ9TTMrD>

Feel free to contact [Andrew M. Wilson](mailto:awilson@lippes.com) at awilson@lippes.com with any H-1B cap lottery registration or any other immigration related questions.

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