



uscis to begin accepting online filings of employment-based nonimmigrant petitions

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MSK Client Alert

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On January 12, 2024, after years of anticipation, the United States Citizenship and Immigration Services (USCIS) announced and unveiled long awaited enhancements to its existing online filing capabilities. At long last, and for the first time, the USCIS will begin accepting online filings of employment-based nonimmigrant petitions. The catch (and there are several): rollout begins just as employers and their attorneys are gearing up for the Fiscal Year (FY) 2025 H-1B Cap registration period.

Beginning mid-February, 2024, representatives of an organization (such as a company or other business entity) will be able to create "organizational accounts" enabling multiple designated individuals within the organization, as well as their designated legal representatives, to collaborate on H-1B Cap registrations, Forms I-129, Petition for a Nonimmigrant Worker, and associated Forms I-907, Request for Premium Processing Service. The organizational account will allow for the online filing of ALL H-1B petitions, including petitions subject to the annual Cap and all other H-1B petitions (extensions, changes of employer, cap-exempt petitions, etc.).

Online filing of H-1B petitions will be optional. Employers will still be able to file Forms I-129 and I-907 on paper with the USCIS.

At this time, online filing will be limited to submitting ONLY: 1) H-1B Cap registrations and 2) H-1B petitions, as well as related I-907 premium processing requests for H-1B petitions that were filed online. Online filing will not be available for any other employment-based visa category filed on Form I-129, or for H-4 dependents submitting Form I-539, which must continue to be filed by paper. The USCIS hopes to add online filing capabilities for H-4 dependents in the future, but no timeframe has been announced.

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immigration
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Companies will create "Company Groups" with designated "Administrators" and "Members." Similarly, **Legal Teams** (comprised of **one** attorney or accredited legal representatives and **one or more** paralegals) can be created and collaborate with multiple Company Groups.

The roles, permissions, and filing capabilities will vary among Administrators, Members, and Legal Representatives within the organizational accounts. For example, Administrators, Members, and Legal Teams in Company Groups can start, edit, and delete forms but only Administrators and Legal Representatives are authorized to sign and pay for petitions, while Members are not.

The USCIS held two national engagements on organizational accounts last week, and will lead several smaller sessions ("Tech Talks") throughout February, with the first Tech Talk scheduled for Thursday, February 1, 2024. A schedule of upcoming Tech Talks can be found [here](#).

These national engagements and Tech Talks will also be uploaded to the USCIS YouTube channel over the next several weeks. A "Frequently Asked Questions" page can also be accessed from the USCIS website and is available [here](#).

MSK Analysis: Once the organizational accounts go live in February 2024, employers and their legal representatives should be able to start creating and using organizational accounts to file H-1B petitions online. It is not yet known how exactly the new organizational accounts will interact with or replace the existing online registration process for this year's H-1B Cap, though USCIS has indicated that the new organizational accounts will be used for this year's upcoming H-1B Cap registration. Further updates may be announced before the organizational accounts go live, and the USCIS may also decide to modify the system based on user experience and feedback.

Employers and their attorneys should therefore collaborate and familiarize themselves with the new system enhancements soon after the organizational accounts become active, and prior to the opening of the H-1B Cap registration period in March 2024.

Early discussions and planning with our immigration attorneys **before** account creation will be critical. Organizational accounts have several limitations for company and legal groups that may not be intuitive when first using the system. A company group can have multiple Administrators and Members, for example, but each Administrator/Member can belong to only one company group. Furthermore, if an Administrator starts an H-1B petition, only that Administrator can continue with the application.

For the H-1B Cap, the registration period typically lasts only 2-3 weeks, and trial-and-error testing before the deadline could be costly. Our immigration attorneys are monitoring changes closely and are here to help clients navigate this new process!