



uscis releases more information on upcoming h-1b cap registration

Frida P. Glucoft & Jason A. Farkas
MSK Client Alert

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UPDATE: Following our client alert from January 30, 2024, the United States Citizenship and Immigration Services (USCIS) has released more information and confirmed dates with respect to the upcoming H-1B Cap registration, along with several significant updates.

At **noon Eastern (9:00am Pacific) February 28, 2024**, the USCIS will launch the new "organizational accounts" in its USCIS online account system. The organizational accounts will allow multiple designated "Administrators" within an organization, and their legal representatives, to collaborate on and prepare H-1B registrations, as well as file H-1B petitions, and any associated Form I-907.

While online filing of H-1B petitions will be optional, the USCIS notes that prospective petitioners and their legal representatives submitting H-1B Cap registrations **must** use the new organizational accounts. Registrants will be able to create new accounts beginning at noon Eastern on February 28, 2024. Those who have an existing registrant account will be able to upgrade to an organizational account instead of creating a new account.

The registration period for the Fiscal Year (FY) 2025 H-1B Cap will open at **noon Eastern (9:00am Pacific) on March 6, 2024**. The registration period will close at **noon Eastern (9:00am Pacific) on March 22, 2024**.

Representatives may add clients to their accounts at any time after the organizational accounts go live on February 28, but must wait until March 6 to enter beneficiary information and submit the registration. For those beneficiaries selected in the H-1B Cap lottery – on April 1, USCIS will begin accepting online filing of Form I-129 for H-1B Cap petitions and associated Forms I-907 (for petitioners who choose the online filing option). The USCIS is expected to announce lottery selections shortly after the registration window closes on March 22.

attorneys

Jason A. Farkas
Frida P. Glucoft

practice areas

immigration



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Additionally, USCIS also recently announced and released its Fee Schedule final rule, which raises government filing fees across most nonimmigrant and immigrant applications. Filing fees for employment-based temporary work visas, Form I-129, will no longer be uniform. Instead, there will be different filing fees associated with each nonimmigrant visa category. There will be other changes to filing processes and adjudication timelines which will require careful attention to dates.

The rule will go into effect on **April 1, 2024**, after the initial registration period for the FY 2025 H-1B cap. The USCIS confirmed that the registration fee during the registration period starting on March 6, 2024 will remain \$10— that is only the registration fee. On April 1, 2024, the new filing fees will become mandatory, including Form I-129 H-1B petitions for beneficiaries selected in this year's Cap lottery which are several thousand dollars per application.

A link to the new fee schedule can be found here. The upcoming final rule is **separate** from a previously announced increase of the expedite filing fee (Form I-907 filing fees), which goes into effect on February 26, 2024.

MSK Analysis: USCIS is implementing some of its most sweeping and dramatic changes in years, and all at once. After organizational accounts go live on February 28, it will be only **one week** before the H-1B Cap registration period opens, which itself will run just over two weeks. It is crucial for employers and their attorneys to collaborate and familiarize themselves with the new organizational accounts as soon as possible and be ready for any unforeseen technical issues or learning curves to using the new system. Attending the USCIS "Tech Talk" webinars (schedule found here) can be helpful, but ongoing collaboration between employers and immigration counsel will be invaluable and help to make the H-1B Cap registration process as efficient as possible.

Regarding the upcoming final rule on filing fee increases, clients and their attorneys should review carefully and discuss the potential impacts moving forward. The final rule introduces complex changes that go beyond increased government filing fees, and tremendous care will need to be taken to ensure that petitions are filed properly. Separate client alerts will be issued to address the final rule as news develops.