



HR Heads-up

‘Tis the Season to Register for the Fiscal Year 2024 H-1B Visa Lottery!

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Each year, employers compete in a lottery to secure coveted H-1B visas for their foreign employees. The H-1B visa allows foreign nationals to enter the United States to perform temporary work in a “specialty occupation” in numerous industries, such as technology, healthcare, professional services, education, and more. H-1B employees can work initially for three years, can extend H-1B status up to six years, and can often be sponsored by employers for legal permanent residence in the future.

Most (but not all) employers are required to register their H-1B-hopeful employees in the annual lottery because the demand for H-1B visas always exceeds the availability. In past years, a foreign employee without a U.S. Master’s degree had approximately a 1-in-4 chance of being selected for one of the 65,000 H-1B visas available under the “regular cap,” and an employee with a U.S. Master’s degree or higher had approximately a 1-in-3 chance of being selected for one of the additional 20,000 visas available under the “Masters cap.”

This year, USCIS will accept lottery registrations from noon Eastern on March 1, 2023 through noon Eastern on March 17, 2023. The cost to register an employee for the H-1B lottery is \$10, and the information required to register an employee is minimal. Employers will be notified by March 31st if their employee has been chosen to submit an H-1B application. They will then have 90 days to submit a complete H-1B petition to USCIS for selected employees. The petition consists of a Labor Condition Application certified by the US Department of Labor, a Form I-129 petition with supporting documents, and filing fees that vary based on the employer’s circumstances. An employee with an approved petition may begin work in H-1B status as early as October 1, 2023.

Employers who wish to sponsor employees or potential employees for H-1B status should prepare *now* for the March registration period. This will be the only window of opportunity this year to throw an employee's name in the lottery, and hopefully be selected to apply for H-1B status.

The attorneys from the Boardman Clark immigration practice group are available to help you determine if you are one of the lucky employers exempt from the H-1B lottery process, to guide you through lottery registration, and to assemble your final H-1B application packets.

Disclaimer: This information is not intended to be legal advice. Rather, it seeks to make recipients aware of certain legal developments that affect human resource issues. Recipients who want legal advice concerning a particular matter should consult with an attorney who is given a full understanding of the relevant facts pertaining to the particular matter.

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