

# The H-1B Lottery to Open with aNew Registration Selection Process: What Employers Need to Know

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The H-1B lottery opens for registration from March 6, 2024 through March 22, 2024. Few lotteries promise higher stakes than this one, and leaving it all to chance is not ideal. Preparation is an important part of the H-1B process.

The H-1B program allows U.S. employers to hire foreign workers in positions that require a bachelor's degree or higher, often in fields such as science, technology, engineering and mathematics. The H-1B program has an annual cap of 85,000 visas, which means that there is a maximum number of H-1B visas that can be issued each year. For many years now, the demand for H-1B visas has exceeded the available supply, and the visas have been awarded through a random lottery system.

The lottery begins with the H-1B registration process, a relatively new innovation to H-1B filing, introduced by the [U.S. Citizenship and Immigration Services](#) (USCIS) for FY 2021. Registration allows employers to create an account through USCIS and enter the names and biographic information of employees to submit for lottery selection.

USCIS selects from these registrations to fill the cap of available visas. Selected registrations receive notice from USCIS and a deadline to file their application for the H-1B visa. These filed applications are decided by USCIS based on the strength of the accompanying supporting evidence and the submissions' compliance with the standards required for the H-1B program.

**USCIS has introduced new features to the registration system this year, promising a fairer process and better chances of selection.** These features come from the H-1B Registration Final Rule that creates a beneficiary-centric selection process. The key feature of the process is that a beneficiary (i.e., employee seeking H-1B classification) may only be entered into consideration for lottery selection once. Even if a beneficiary has multiple registrations filed on their behalf by multiple employers, the beneficiary will only be considered one time.

Earlier versions of the lottery allowed multiple registrations for the same beneficiary, filed by different employers, to each have an independent chance of selection. The result, USCIS concluded, was that certain employers colluded to file multiple registrations for the same beneficiaries to increase the chances of a favorable selection, leading to an unfair system. USCIS designed the new beneficiary-centric process to reduce the potential for fraud and ensure each beneficiary would have the same chance of being selected, regardless of the number of registrations submitted on their behalf by an employer. Starting with the FY 2025 initial registration period, USCIS will require registrants to provide valid passport information or valid travel document information for each beneficiary. The passport or travel document provided must be the one the beneficiary, if or when abroad, intends to use to enter the United States if

issued an H-1B visa. Each beneficiary must only be registered under one passport or travel document.

**Employers who are interested in sponsoring a foreign worker for an H-1B visa in the coming year should start preparing now.** This may include identifying potential candidates and gathering the necessary documentation. We also recommend that employers consult with an immigration attorney or qualified professional to ensure that they are prepared for the H-1B registration period and understand the requirements for sponsoring a foreign worker for an H-1B visa.

If you are planning to file an H-1B cap petition this year or would like to find out more about the process, please contact attorney [Andrew Mahon](#) or any member of Barley Snyder's [Immigration Practice Group](#).

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