



Practice Pointer

Frequently Asked Questions Regarding the Electronic H-1B Registration & Filing Process¹

February 28, 2023²

On December 6, 2019, U.S. Citizenship and Immigration Services (USCIS) announced the implementation of an electronic registration requirement for employers seeking to file H-1B cap-subject petitions for fiscal year (FY) 2021. Since that time, we have seen three registration processes from start to finish, and the fourth was opened at noon (ET) on March 1, 2023. The following practice pointer addresses the most frequently asked questions regarding the electronic H-1B registration process based on information that is available to date.

Electronic Registration Process

1. On what website or platform will USCIS host the electronic H-1B registration process?

USCIS uses the [myUSCIS online portal](#) to conduct the electronic H-1B registration process. While legal representatives may create a myUSCIS account at any time, USCIS opens the portal during the second half of February of each year for employers new to the registration process to create their own account. For more information on how to create a myUSCIS account, please see this [step-by-step guide](#) provided by AILA's Practice & Professionalism Center.

2. Do lawyers need to create a myUSCIS account for each client, or can an attorney register one account to manage and file applications for all clients?

One attorney or accredited representative should have a single "Representative" account and should be able to manage multiple clients under that account. The system has an account recovery feature with a backup code and a series of security questions, which you should copy and store. You can use an existing myUSCIS account.

3. Can an attorney submitting registrations through their online account be signed into their account from multiple computers/IP addresses at the same time?

An attorney may be signed into their myUSCIS account from more than one computer and IP address.

¹ Special thanks to AILA's HQ Committee and USCIS Case Assistance Committee members, Lucy Cheung, Amy Erlbacher-Anderson, Lorna DeBono, Dagmar Butte, Paschal Nwokocha, for their contributions to this practice pointer.

² This document was updated to reflect the latest information available as of February 24, 2023, from its original version of September 15, 2020.

4. Can multiple accounts be created under a single attorney's name, in case of system malfunctions or an account getting locked out?

Yes, but each account will need its own email address.

5. Can a petitioner/employer use the same email for two different myUSCIS account types?

No, a petitioner/employer cannot use the same email address for two different myUSCIS account types (applicant/petitioner/requester vs. H-1B registrant). To be able to participate in the H-1B electronic registration process, a petitioner/employer must have two separate email addresses, with one of them for the H-1B registrant type. The petitioner/employer must provide the email used to set up the H-1B registrant account to the attorney for the attorney to file the registration and Form G-28.

6. What information is required for the electronic registration process?

The electronic registration form requests basic information about the prospective petitioning company or organization and employee, including the following:

REGISTRANT INFORMATION:

- Legal name of the prospective petitioning company or organization
- The Doing Business As name(s) of the prospective petitioning company or organization, if applicable
- Employer Identification Number (EIN) of the prospective petitioning company or organization
- Primary U.S. office mailing address of the prospective petitioning company or organization
- Legal name (first, last, and middle names), title, and contact information (daytime phone number and email address) of the authorized signatory

BENEFICIARY INFORMATION:

- Beneficiary's legal name
- Beneficiary's gender
- Beneficiary's date of birth
- Whether consideration under the INA §214(g)(5)(C) advanced degree exemption is requested because the beneficiary has earned, or will earn prior to the filing of the petition, a master's or higher degree from a U.S. institution of higher education³
- Beneficiary's country of birth
- Beneficiary's country of citizenship
- Beneficiary's passport number

The system will not let you re-use beneficiary information from previous years and registrations. It will also time-out after 15 minutes of being idle, but should save the information input to that time.

A petition will not be rejected if it does not match the registration, but an explanation and supporting evidence must be included with the petition filing. For example, if a beneficiary gets married in the interim between the time of registration and the time of filing the petition, a marriage certificate for the beneficiary must be included.

7. Will any information regarding the offered position need to be provided as part of the electronic H-1B registration process?

No information regarding the offered position, such as the job title or the minimum job requirements, is currently required as part of the electronic registration process. Nevertheless, some members believe it a best practice to evaluate the offered position and the credentials of the beneficiary in advance of submitting an electronic registration to ensure that the registration submitted is bona fide and non-frivolous.

8. Will an attestation be required as part of the electronic registration process?

Yes, at the time of submitting the electronic registration, the authorized signatory will be required to certify, under penalty of perjury, that they have reviewed the registration and that all of the information contained in the registration is complete, true, and correct. and also that the authorized signatory, or the organization on whose behalf the registration is being submitted, intends to file an H-1B petition on behalf of the beneficiary named in the registration if the registration is selected. The authorized signatory is required to provide their electronic signature confirming they have read and agree to the statement by typing their full legal name into a box provided. In addition, the authorized signatory is required to confirm they can read and understand English and that they have read and understand every question and instruction on the registration.

For FY2024, the attestation adds the following: “I further certify that this registration (or these registrations) reflects a legitimate job offer and that I, or the organization on whose behalf this registration ... is being submitted, have not worked with, or agreed to work with, another registrant, petitioner, agent, or other individual or entity to submit a registration to unfairly increase chances of selection for the beneficiary or beneficiaries in this submission.” If USCIS discovers that the registrant did work with another filer, they will find the registration was not properly submitted and no petition may be filed. The USCIS can also revoke a petition after the fact and refer the registrant for prosecution.

In addition, a petitioner may only have one registration submitted per beneficiary per fiscal year. Once the initial registration period has closed, if the prospective petitioner has more than one registration submitted for the same beneficiary, USCIS will invalidate all registrations submitted for that beneficiary by that prospective petitioner or their authorized representative from the selection process. USCIS has provided a duplicate checker function to the electronic registration process that allows one to check if the registrant named in the draft submission previously submitted a registration for any of the beneficiaries included in that draft submission for the same fiscal year. While using this check does not guarantee that an employer will not submit a duplicate, it does compare the beneficiaries listed in the draft with any registrations previously submitted during the current registration period. It will not check for duplicates within that draft or between drafts. It only checks submitted (and paid) registrations from the same registrant or company for a duplicate. Ultimately, the burden remains on the employer and their authorized representative to

ensure that no duplicate registrations are submitted. To that end, USCIS also provides a tool to download a .csv file and search for duplicate entries.

If a duplicate is discovered while the registration period is still open, the attorney can go into the account and delete the extra submission(s) until there is only one registration for the beneficiary. USCIS will not refund the \$10 registration fee already paid for that deleted submission. If a duplicate is discovered after the registration period has closed, there is no way to correct this, and USCIS will remove all registrations submitted for the beneficiary by, or on behalf of, that prospective petitioner from the selection process (and will not refund the \$10 fee).

9. Will a Labor Condition Application (LCA) be required as part of the electronic registration process?

No, an LCA is not required to be completed prior to the electronic registration process. Some members, however, prepare and submit LCAs for beneficiaries in advance of the electronic registration process or shortly after the acceptance of the registration, as a certified LCA must be included with the H-1B petition filing. Members should strategize with their clients whether or not to file LCAs for H-1B cap-subject beneficiaries *in advance* of the selection process in order to file the H-1B petition promptly upon selection versus *after* the registration is selected in order to maximize the time on the LCA.

In addition, even if no LCA is filed in advance of the selection process, members should consider conducting a wage analysis for the proffered position prior to submitting the electronic registration. Failure to consider whether the petitioner is paying the required wage could result in USCIS selecting a registration that ultimately cannot be filed. As discussed in Question 31 below, registrations that are selected but ultimately not filed could be flagged by USCIS for a potential fraud investigation.

10. May attorneys or law firms submit electronic registrations on behalf of clients?

Yes, attorneys may submit registrations on behalf of clients, provided they have a Form G-28 submitted for each client. The process for electronically submitting the Form G-28 for purposes of this electronic registration process mirrors the process by which Form G-28s are currently submitted to USCIS for electronic filings through the [myUSCIS portal](#), such as for electronically filed Form I-90s.

The method for submitting the Form G-28 for the electronic registration process involves a two-factor authorization process. After the attorney completes the data entry process for the H-1B registration, Form G-28 data may be entered. After the attorney prepares the registration and Form G-28 electronically, a one-time passcode will be generated. The passcode will be valid for 30 days. The attorney must share the one-time electronic passcode with the client who then must login to their myUSCIS account and select “Enter Representative Passcode” to review and accept the registration and the attorney’s Form G-28. The employer/H-1B registrant must review and accept both the registration and the Form G-28, which are *two separate forms* in the process. After accepting the Form G-28, the client will be directed to review registration information and either accept or decline the registration.

If the registration is accepted, the registrant’s authorized signatory will provide their electronic

signature by typing their full legal name into a designated box, as well as check a box stating that they understand English and the information that is in the form. After the registrant electronically confirms the registration and Form G-28 information, both forms will return to the attorney's myUSCIS account for submission of the fee and registration.

If the registration is rejected by the client (i.e., due to incorrect registration information), the attorney must go back into the registration page to resubmit the information before the client could go back into their account with the same representative passcode to confirm the registration again.

For more information regarding the Form G-28 process, please see the [PowerPoint presentation](#) from USCIS's webinar. Please note that clients must have a myUSCIS account (account type: "I am an H-1B registrant") in order to manage the G-28 process online.

11. On what date will the registration process open?

USCIS will open the initial registration period for FY2024 on March 1, 2023, at noon (ET).

12. How long will the registration filing window remain open?

The FY2024 registration period will open on March 1, 2023, at noon (ET) and run through noon (ET) on March 17, 2023. USCIS indicated that all registrations submitted during the registration period will be included in the lottery regardless of whether a registration was submitted on March 1 or March 17, even if USCIS determines it has received more than enough registrations to meet the numerical limitations prior to this date. However, it is recommended not to wait until the last minute to submit a registration.

13. Is there an option to draft the registration earlier than the registration period for the attorney or client to review?

Representatives and registrants must wait until March 1st to draft and submit any H-1B cap registration.

14. May I edit a registration *after* it has been submitted?

During the registration period, USCIS will permit users to review and edit the registrations of beneficiaries as many times as needed *before* the registration is submitted.

Once a registration has been submitted, it cannot be edited. However, the system permits a registration of an individual beneficiary to be deleted, if needed, without impacting the registrations of other beneficiaries in the registration batch. Registrants can delete the registration of an individual beneficiary by clicking a "delete" button next to each beneficiary's name. Please refer to the screenshot below of slide 76 from USCIS's FY2022 webinar.

Yes. USCIS requires a \$10 non-refundable fee per beneficiary for each registration submitted. Please note that USCIS [published a proposed rule for fee increases](#) on January 4, 2023, that would significantly increase the H-1B registration fee.

19. What payment method will USCIS accept for the \$10 registration fee?

USCIS allows payment of the registration fee using the [Pay.gov portal](#). The registration system will permit payments to be made from a bank account (checking or savings), a credit card, or a debit card. No Automated Clearing House (ACH) fee will be charged. The registration fee cannot be made using cash, a certified bank check, or a money order. Employers do not need to create a Pay.gov account to pay the fee, as they only need to provide basic payment details. If payment fails, you should receive a notice.

For those employers/H-1B registrants with multiple beneficiaries, the U.S. Department of Treasury has approved a temporary increase in the daily credit card transaction limit from \$24,999.99 to \$39,999.99 per day for the FY2024 H-1B cap season. This temporary increase is in response to the volume of previous H-1B registrations that exceeded the daily credit card limit.

20. If an employer is registering multiple beneficiaries, can the employer pay for all of their registrations at one time?

Yes, the registration system allows for batch fee payments for up to 250 registrations to be submitted simultaneously. Corporate and payment information must only be entered one time for each batch of registrations. However, the corporate and payment information does not carry over to subsequent registrations.

21. Who can pay the \$10 registration fee (e.g., the employer, the legal representative, etc.)? Will beneficiaries be allowed to pay the \$10 registration fee?

Either registrants or Form G-28 representatives may pay the registration fee via the Pay.gov portal. In the registration fee final rule, it is noted that “the fee paid for the registration is a responsibility of the petitioning employer, not the foreign worker.”³

Registration Selection Process

22. When will USCIS run the H-1B lottery?

The lottery should be run no later than March 31st.

23. How does USCIS notify attorneys and employers of selection in the lottery?

After the initial registration period closes, USCIS conducts the initial selection process. The account holder who submitted the selected registration receives a notification from USCIS via email or text message (depending on the preferred method of communication the account holder

³ 84 FR 60307 (Nov. 8, 2019); *see also* 20 CFR 655.731(c)(9), (10) and (11), which indicates that H-1B attorney fees and filing fees are considered to be business expenses.

selected at the time of creating their myUSCIS account) stating that there is activity in their myUSCIS account and that they will need to log in to their myUSCIS account to see more details.

The account holder's myUSCIS online account will indicate one of the four following statuses for each beneficiary registered:

Submitted: A registration status is "Submitted" after the initial selection process has been completed. "Submitted" registrations will remain in consideration for selection until USCIS either determines it has received a sufficient number of petitions to allocate all H-1B visas for the fiscal year or the fiscal year ends, whichever occurs earlier. At that point in time, all registrations will indicate a status of either "Selected," "Not Selected," or "Denied."

Selected: Selected to file an FY2024 H-1B cap-subject petition.

Not Selected: Not selected for this fiscal year.

- Please note that a registration will not reflect a status of "Not Selected" until either USCIS determines that it has received a sufficient number of petitions to allocate all H-1B visas for the fiscal year or the conclusion of the fiscal year. In the event that USCIS determines that it needs to select additional registrations to meet the H-1B regular cap or the advanced degree exemption allocation, USCIS will select the additional registrations from the "Submitted" registrations to meet the H-1B regular cap or advanced degree exemption allocation.

Denied: USCIS will indicate "Denied" in situations where the same registrant or representative submitted more than one registration on the beneficiary's behalf for the same fiscal year. All registrations the registrant or representative submitted on behalf of the same beneficiary for the same fiscal year will be deemed invalid.

USCIS indicated that it intends to notify registrants with selected registrations no later than March 31, 2023. Registrants and attorneys may select their preferred method of notification when setting up their myUSCIS account.

24. What happens to registrations that are not selected in the March random selection?

If USCIS receives more than enough registrations than needed to meet the regular H-1B cap and advanced degree exemption, all registrations that were *not* selected in the lottery will remain in "Submitted" status until USCIS determines that it has received sufficient petitions for the applicable fiscal year. A registration will reflect a status of "Submitted" until that time, at which point the registration status will be changed to "Not Selected" and a non-selection notice will be added to the myUSCIS account. In the event that USCIS determines that it needs to increase the number of selected registrations in order to meet the H-1B regular cap or the advanced degree exemption allocation, USCIS will select from the remaining "Submitted" registrations to meet the H-1B regular cap or advanced degree exemption allocation, or will re-open the registration period if additional registrations are needed, pursuant to 8 CFR §214.2(h)(8)(iii)(A)(7).

25. Will there be a notice provided to registrants who are not selected?

Yes, the account holder who submitted the selected registration will receive a notification from USCIS stating that there is activity in their myUSCIS account and that they need to log in to their myUSCIS account to see more details. A “non-selection notice” will be added to the registrant/representative’s myUSCIS account for each registrant not selected in the lottery. Please also see Question 23 above.

H-1B Petition Filing Issues

26. When will petitioners be able to begin filing petitions for selected registrants? How long will they have to file the petition once selected?

Registrations selected in the initial round of selections will have a 90-day filing window from April 1 to June 30 in which the petitioner must file the H-1B cap-subject petition.

Registrations selected in the subsequent round(s) of selections conducted, if any, would be issued selection notices indicating the designated filing period, which should also be for a period of 90 days from the initial filing date indicated on the notice.

USCIS states that petitions will be adjudicated by USCIS in the order in which they are received. Note: Because USCIS will only select enough registrations necessary to meet the applicable numerical limitations, as long as a petition is properly filed during the petition filing window, it will be adjudicated.

27. At the time of filing the H-1B petition with USCIS, how will selected registrants indicate to USCIS that they have been selected in the H-1B lottery?

For registrants who have been selected, USCIS provides a “selection notice” made available in the account holder’s myUSCIS account. The selection notice will identify the 90-day filing window and designate the service center where the petitioner must file the H-1B petition. The petitioner must file their petition at the designated service center identified in the selection notice and must include a copy of the selection notice with the H-1B filing, as well as include the beneficiary’s confirmation number on the H Classification Supplement. See Item 27, below.

28. How is the selection of the registration indicated on the Form I-129?

The 11/02/2022 edition of the Form I-129 contains a question on the H Classification Supplement form requesting information about the beneficiary’s confirmation number from the H-1B registration selection notice. Please see a screenshot of the question on the H Supplement provided below:

- 5. If you selected **a.** or **d.** in **Item Number 4.**, and are filing an H-1B cap petition (including a petition under the U.S. advanced degree exemption), provide the beneficiary Confirmation Number from the H-1B Registration Selection Notice for the beneficiary named in this petition (if applicable).

29. What happens if a petitioner discovers that a typographical error was made in the

registration?

If typographical errors were made during the registration process, those will be reflected on the selection notice. Typographical errors may not be fatal to an H-1B petition so long as the petitioner can demonstrate through other matching information (e.g., passport number, country of citizenship, etc.) that the beneficiary listed on the Form I-129 is, in fact, the individual listed on the selection notice.

30. Will petitioners be able to request premium processing of H-1B cap subject petitions?

In the past, USCIS imposed a temporary suspension of the premium processing service for H-1B cap subject petitions. However, since the FY2022 H-1B cap filing season, premium processing has been available. Practitioners are advised to [check the USCIS website](#) to verify the availability of premium processing.

31. May I submit a pre-paid mailer to USCIS with my cap-subject H-1B petition for faster mailing of the H-1B approval notice?

During some past H-1B filing seasons, USCIS has announced that they will *not* use pre-paid mailers to send any communication or final notices for any cases filed with premium processing and instead will use first-class mail to send cap-subject H-1B petition approval notices. However, that announcement has yet to be made for FY2024. This section will be updated once and if an announcement regarding this issue is made.

32. The regulations seem to indicate that cases that are not filed will be flagged for a potential fraud review, but is there a mechanism to deal with situations in which cases are not filed for legitimate reasons?

The Department of Homeland Security (DHS) has not indicated the exact process through which fraudulent cases will be investigated or any method of redress. However, in the preamble to the H-1B registration final rule, DHS noted that cases that demonstrate a pattern and practice of potential abuse of the registration system will involve a case-by-case review of the facts involved, including any mitigating facts or circumstances. It further noted that registrants that have been found to engage in a pattern and practice of submitting registrations for which they do not file a petition following selection could be subject to monetary fines or criminal penalties pursuant to 18 USC §1001(a)(3) for making false statements and misrepresentations.

33. If a registrant is selected and has a bona fide reason for a delay in filing past the 90 days, what mechanism can be used to communicate the reasons for the delay?

The preamble to the H-1B registration final rule indicates that “After ... selection, petitioners will be notified by USCIS of the exact amount of time allowed for filing the petition, which will in all cases be at least 90 days, but may be longer at the discretion of USCIS.”⁴

⁴ 84 Fed. Reg. 888 (Jan. 31, 2019) at page 910.

As of the date of this practice pointer, USCIS had not announced a formal mechanism for submitting a petition beyond the 90-day filing period. USCIS has not officially indicated that it will consider *nunc pro tunc* requests along with a late petition filing. For example, USCIS provided the following response to a liaison question on this topic:

- **AILA Question: Could USCIS clarify what happens to registrations from the first round of selections for which the H-1B cap-subject petition was rejected and reached the petitioner after the filing window had closed? Can an H-1B cap-subject petition be re-submitted for the same individual based on the initial registration selection if a new filing window opens or has that registration been forfeited?**

USCIS Response: No. A petitioner is only eligible to refile their rejected petition during the designated 90-day filing window on their selection notice.

- 34. If a company has multiple entities (e.g., subsidiary, affiliate, and parent), can each entity submit a registration if they have a Federal Employer Identification Number (FEIN)?**

The answer to this question is the same for a normal paper form H-1B and an online registration. As long as there is a legitimate business need for each petition/petitioner and there are two (or more) real and separate job opportunities, then each entity can submit a registration for the same beneficiary. Each petitioner must be able to establish the legitimate business need. If not, the petitioner will risk having the approvals for all the cap-subject petitions filed by “related entities” for the same beneficiary denied or revoked.⁵

In response to a stakeholder question, USCIS indicated that an organization with multiple entities/employers may have a one-person act as the authorized signatory for multiple entities/employers, but a unique email address and a separate myUSCIS account is required for each entity/employer.

- 35. Will there be a paper filing registration option or is this H-1B registration lottery process exclusively online?**

No, registrations must be submitted electronically. Paper-filed registrations will not be accepted through the postal service or otherwise.

H-1B Registrations Selected in a Second (or More) Round of Selections

- 36. If there is a second round of registration selections, what should I keep in mind when submitting the H-1B petition?**

As stated on the [USCIS website](#), “H-1B cap petitions and advanced degree exemption petitions for the FY2024 cap must include an employment start date of no earlier than Oct. 1, 2023. You must indicate a start date of Oct. 1, 2023 or later (and six months or less from the receipt date of

⁵ See PM-602-0169 by USCIS posted on March 23, 2018, relating to 8 CFR §214.2(h)(2)(i)(G) addressing the adopted Administrative Appeals Office (AAO) decision in *Matter of S- Inc.*

the petition) on your petition or your petition will be rejected or denied. Do not file petitions earlier than six months before the requested employment start date. We will reject H-1B petitions requesting a start date of “As Soon As Possible” or “ASAP.””

USCIS has indicated that it would not reject petitions filed after October 1st of a given filing year, even if the accompanying LCA had a start date *after* October 1 of that year.

37. How should a registrant with a selected registration notify USCIS if they do not intend to file a petition?

USCIS has advised that, because no H-1B petition will be filed, it will have no paper file that it can use to match the notification with the registration. USCIS suggested that the employer keep documentation of the reason for not filing, so that the employer would be able to show the documentation if USCIS has questions.

F-1 Student Issues

38. What effect will the H-1B cap registration process have on H-1B petitions for beneficiaries who are seeking cap-gap protection?

H-1B cap-gap benefits only attach upon filing the H-1B cap petition, not upon filing the H-1B electronic registration. Therefore, only those individuals selected through the H-1B registration process who have an H-1B cap petition requesting an October 1st start date timely filed on their behalf will have their duration of status, and any applicable employment authorization, automatically extended until October 1st, *unless* the petition has been rejected, denied, revoked, or withdrawn prior to that date.

Similar to previous H-1B cap seasons, an F-1 student must stop working on October 1st if the H-1B cap-subject petition has yet to be adjudicated.

Degree Issues

39. Is a beneficiary required to have completed the qualifying degree requirement at the time of electronic registration or at the time of filing the H-1B petition?

The degree must be obtained by the time of filing the H-1B petition. The degree does not need to have been obtained by the time of electronic registration. USCIS states multiple times in the preamble to the H-1B registration final rule that establishing eligibility is not a requirement for registration and that it is simply an “antecedent procedural requirement to properly file the petition.”⁹ This would also be consistent with 8 CFR §103.2(b)(1), which requires that eligibility must be established at the time of filing the benefit request.

Importantly, the question in the H-1B registration tool regarding the H-1B master’s cap exemption reads, “Are you requesting consideration under the INA 214(g)(5)(C) advanced degree exemption because the beneficiary has earned, *or will earn prior to the filing of the petition*, a master’s or higher degree from a U.S. institution of higher education?” (emphasis added).

40. Can a registration be changed to the regular cap if the beneficiary has not yet

graduated with the necessary degree?

On the USCIS website regarding the [H-1B Electronic Registration Process](#), USCIS notes that: “If the beneficiary is selected under the advance degree cap and has not earned a qualifying master’s or higher degree from a U.S. institution of higher education at the time the petition is filed, the petition will be denied or rejected.”

Specifically, USCIS addresses this fact pattern in its Q&A section as follows:

Q: If you are registering for the master’s cap based on the expectation that the beneficiary will earn a qualifying advanced degree, and you are actually selected under the master’s cap, but, the beneficiary does not obtain their qualifying advanced degree, is there a risk that the cap-subject H-1B petition for that beneficiary will be denied?

A: If a registration is submitted requesting consideration under the INA 214(g)(5)(C) advanced degree exemption because the beneficiary has earned, or will earn prior to the filing of the petition, a master’s or higher degree from a U.S. institution of higher education, and the registration is selected under the advanced degree exemption, the beneficiary must be eligible for the advanced degree exemption at the time of filing the I-129 petition. If the beneficiary is selected under the advance degree cap and has not earned a qualifying master’s or higher degree from a U.S. institution of higher education at the time the petition is filed, the petition will be denied or rejected.

Technical Issues

41. If we encounter technical issues with completing and submitting the registration form online, who can we contact to address the issue?

USCIS allows stakeholders encountering technical issues during the H-1B registration process to call the USCIS Contact Center at 1-800-375-5283 for assistance. No separate phone line for the H-1B registration process has been set up. Technical support and password resets are available at <https://my.uscis.gov/account/needhelp>.

42. In the event of an unexpected technical problem, could the registration process be suspended for an H-1B cap-filing season?

USCIS has previously indicated that if there are technical issues that prevent electronic submission of registrations, USCIS will notify the public of the issue via the USCIS website and provide guidance pertaining to filing applications.

Nonimmigrants: Who Can Study?

General Notes: X=No; ✓=Yes Only F and M students are limited to attendance at SEVP-certified schools. Nonimmigrants who are attending school incidental to their primary purpose for being in the United States may attend the school of their choice either part-time or full-time (unless otherwise noted). However, these nonimmigrants must abide by the rules of their current status and cannot extend their stay in the United States for the purposes of completing a program of study or a degree. Spouses and children who derive their status from that of the principal may not remain in the United States beyond the period approved for the principal in order to continue schooling. In most cases, children lose their derivative status at the age of 21 and must apply for a change of status to F-1 or M-1 if they wish to remain in the United States to continue their course of study.

Nonimmigrant Class	8 CFR Reference allowing spouses and children	Principal may attend school	Spouse may attend school	K-12 allowed for minor children	Post secondary allowed for unmarried minor children	Full-time study required for children 21 to 23(25) to maintain dependent status	May apply to Change Status to F-1, M-1 or J-1
A. Foreign Government Officials	214.2(a)(1)(i) & (iii)	✓	✓	✓	✓	✓	✓
B. Visitors		X1		X2	X		✓3
C. Aliens in Transit		X					
D. Crewmen		X					
E. Treaty Traders and Treaty Investors	214.2(e)(4)	✓	✓	✓	✓		✓
F. Academic or Language Students	214.2(f)(15)	✓4	✓5	✓6	✓7		✓
G. Representatives to International Organizations	214(2)(g)(1)(iii) & (iv)	✓	✓	✓	✓	✓	✓
H. Temporary Workers	214.2(h)(9)(iv)	✓	✓	✓	✓		✓
I. Foreign Media Representatives		✓	✓	✓	✓		✓
J. Exchange Visitors	214.2(j)(1)(i)	✓	✓	✓	✓		✓8
K. Fiancé(e)s and Spouses of U.S. citizens	214.2(k)(3)	✓	✓	✓	✓		X
L. Intracompany Transferees	214.2(l)(7)(ii)	✓	✓	✓	✓		✓
M. Vocational or other Nonacademic Students	214.2(m)(17)	✓9	✓10	✓11	✓12		✓13
N. Certain Parents and Children of section 101(a)(27)(I) Special Immigrants	214.2(n)	✓		✓	✓		✓
O. Workers with Extraordinary Abilities	214.2(o)(6)(iv)	✓	✓	✓	✓		✓
P. Artists, Athletes, and Entertainers	214.2(p)(1) and (8)(iii)(D)	✓	✓	✓	✓		✓
Q. International Cultural Exchange Visitors	214.2(q)(1)(ii)	✓	✓	✓	✓		✓
R. Religious Workers	214.2(r)(4) and (8)	✓	✓	✓	✓		✓
NATO North Atlantic Treaty Organization	214.2(s)(1) and (2)	✓	✓	✓	✓	✓14	✓
S. Witnesses and Informants	214.2(t)(3)	✓	✓	✓	✓15		X
T. Alien Victims of Human Trafficking	214.11(o)(11)	✓16	✓	✓	✓		✓
TN Professionals under the NAFTA	214.6	✓	✓	✓	✓		✓
U. Alien Victims of Certain Crimes	214.14(a)(10)	✓16	✓	✓	✓		✓
V. Certain Second Preference Beneficiaries	214.15(a) and (g)	✓	✓	✓	✓		✓

1 Visitors may, however, engage in study that is avocational or recreational in nature.

2 In some cases, a B-2 child is allowed to study if accompanying a parent and the study is incidental to the reason for the parent traveling to the United States. For example, missionaries may enter as a B-2 and the children may attend K-12 school while the parent is pursuing the primary purpose of the visit. The length of stay will not be extended to allow a minor child to complete a school year.

3 B nonimmigrants that apply for a change of status to an F or M nonimmigrant student may not begin attending school until the change of status is approved.

4 F-1 nonimmigrants must attend an SEVP-certified school full-time.

5 An F-2 spouse may not engage in a full course of study, but may engage in study at an SEVP-certified school in the United States as long as they are enrolled in less than a full course of study. The F-2 spouse may still engage in study that is merely avocational or recreational in nature. To engage in a full course of study, an F-2 spouse must apply for and be granted F-1, M-1, or J-1 status.

6 An F-2 child may engage in full-time study in any elementary or secondary school (K-12).

7 An F-2 child may engage in study at an SEVP-certified school in the United States as long as they are enrolled in less than a full course of study at the post-secondary level.

An F-2 child may also engage in recreational or avocational study. To study full-time at the post-secondary level, the child must apply for and be granted F-1, M-1, or J-1 status.

8 J-1 nonimmigrants subject to the 212 (e) residence requirement must obtain a waiver of the residence requirement to be eligible to change any nonimmigrant status except A or G. J-1 foreign medical graduates cannot change status unless granted a waiver under section 212(e)(iii) of the Immigration and Nationality Act pursuant to a request made by a State Department of Public Health and the alien complies with the terms and conditions imposed on the waiver under section 212(k) of the Act, but can consular process.

Other J-1 nonimmigrants are eligible to change status to F-1.

9 M-1 nonimmigrants must attend an SEVP-certified school full-time.

10 An M-2 spouse may not engage in a full course of study, but may engage in study at an SEVP-certified school in the United States as long as they are enrolled in less than a full course of study at the post-secondary level. The M-2 spouse may still engage in study that is merely avocational or recreational in nature. To engage in a full course of study, an M-2 spouse must apply for and be granted F-1, M-1, or J-1 status.

11 An M-2 child may engage in full-time study in any elementary or secondary school (K-12).

12 An M-2 child may engage in study at an SEVP-certified school in the United States as long as they are enrolled in less than a full course of study. An M-2 child may also engage in recreational or avocational study. To study full-time at the post-secondary level, the child must apply for and be granted M-1 or J-1 status.

13 An M-1 cannot apply for a change of status to an F-1.

14 Dependent children of NATO Officials who are age 21 to 23 (and up to age 25 if a bilateral agreement exists) may remain in the United States with derivative status if the child attends a post-secondary school full-time.

15 Includes married or unmarried sons or daughters. There is no age limit.

16 Where the principal is under 21, their parents and unmarried siblings under 18 who are in T/U status are also allowed to study.

The H-1B Visa Program and Its Impact on the U.S. Economy

Foreign workers fill a critical need in the U.S. labor market—particularly in the Science, Technology, Engineering, and Math (STEM) fields. Every year, U.S. employers seeking highly skilled foreign professionals compete for the pool of H-1B visa numbers for which U.S. Citizenship and Immigration Services (USCIS) controls the allocation.¹ With a low statutory limit of visa numbers available, demand for H-1B visa numbers has outstripped the supply in recent years, and the cap has been reached before the year ends. Research shows that H-1B workers complement U.S. workers, fill employment gaps in many STEM occupations, and expand job opportunities for all.

This fact sheet provides an overview of the H-1B visa category and petition process, addresses the myths perpetuated about the H-1B visa category, and highlights the key contributions H-1B workers make to the U.S. economy.



Overview

What is the H-1B Visa Category?

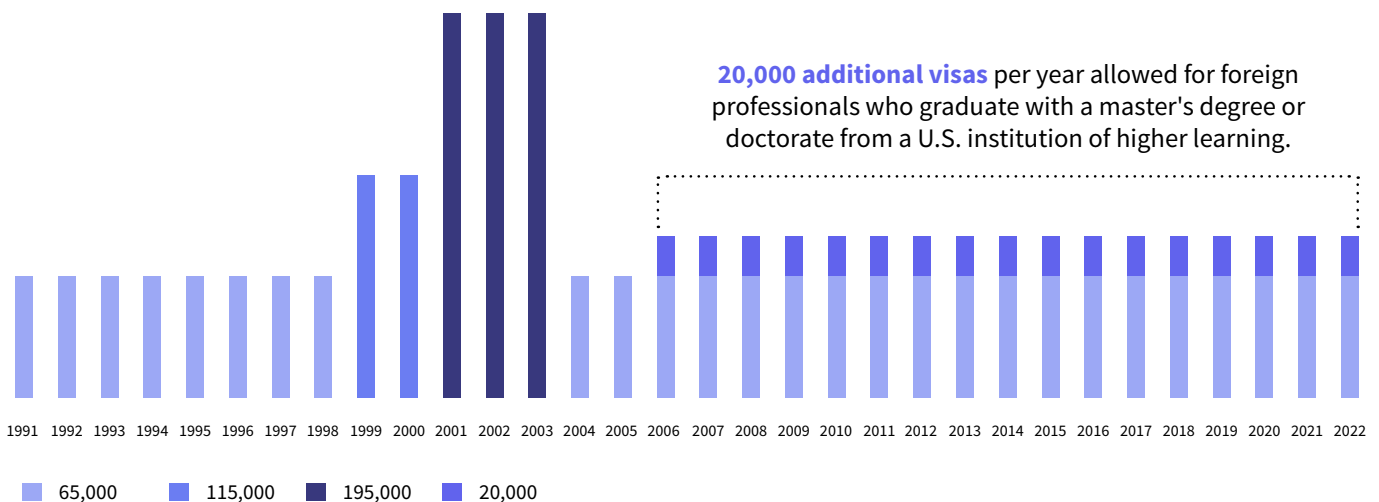
The H-1B is a temporary (nonimmigrant) visa category that allows employers to petition for highly educated foreign professionals to work in “specialty occupations” that require at least a bachelor’s degree or the equivalent.² Jobs in fields such as mathematics, engineering, technology, and medical sciences often qualify. Typically, the initial duration of an H-1B visa classification is three years, which may be extended for a maximum of six years.³

Before an employer can file a petition with USCIS, the employer must take steps to ensure that hiring the foreign worker will not harm U.S. workers.

- Employers first must attest, on a labor condition application (LCA) certified by the Department of Labor (DOL), that employment of the H-1B worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.⁴
- Employers must also provide existing workers with notice of their intention to hire an H-1B worker.⁵

Since the category was created in 1990, Congress has limited the number of H-1Bs made available each year. The current annual statutory cap is 65,000 visas, with 20,000 additional visas for foreign professionals who graduate with a master’s degree or doctorate from a U.S. institution of higher learning (Figure 1).⁶ In recent years, the limit has been reached well before the end of the fiscal year. In Fiscal Year (FY) 2022, the cap was reached on February 28, 2022.⁷

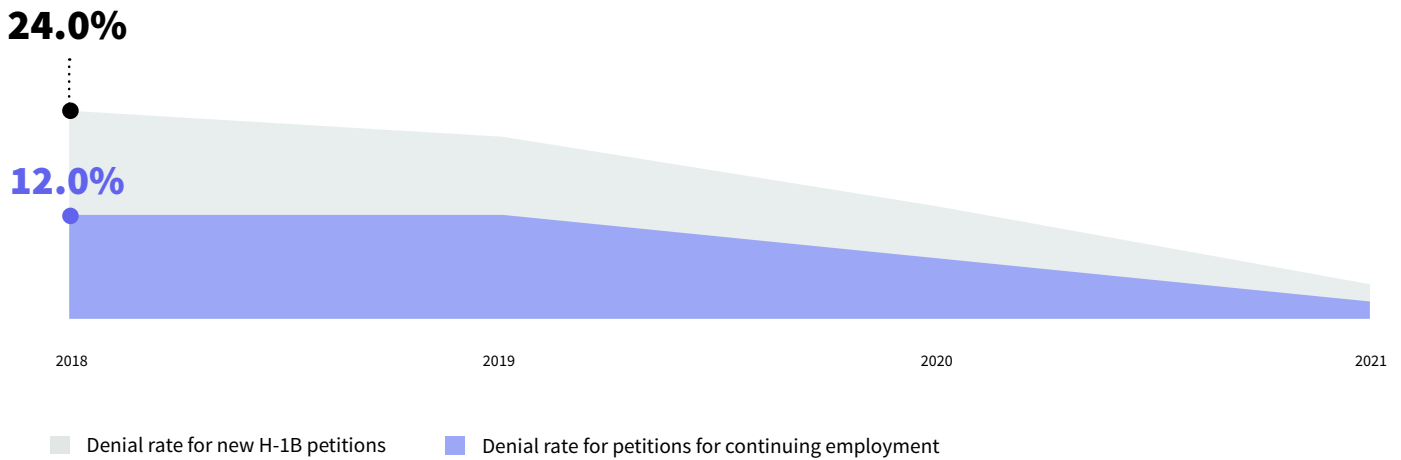
FIGURE 1: ANNUAL CAP ON H-1B VISAS, FY 1991-2022



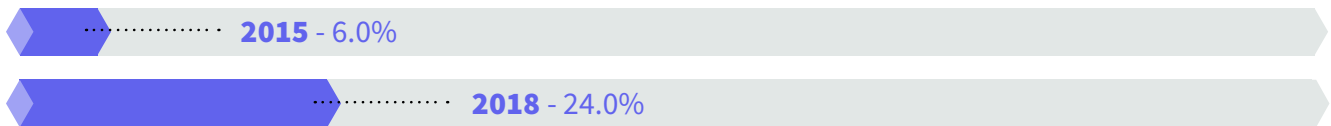
Source: U.S. Citizenship and Immigration Services.⁸

During the Trump administration, more H-1B petitions were initially being denied. But with a growing number of these denials being overturned, the denial rates decreased substantially during the last half of FY 2020. Denials of new H-1B petitions for initial employment rose from 6 percent in FY 2015 to a high of 24 percent in FY 2018 before dropping to 21 percent in FY 2019, 13 percent in FY 2020, and only 4 percent in FY 2021 (the lowest denial rate ever recorded).⁹ The denial rate for petitions for continuing employment was 2 percent in FY 2021, down from 7 percent in FY 2020 and 12 percent in both FY 2018 and FY 2019.¹⁰ However, the USCIS Administrative Appeals Office overruled Service Center denials nearly 14 percent of the time in FY 2018 and FY 2019, compared to only 3 percent of the time between FY 2014 and FY 2017.¹¹ Moreover, a record number of H-1B petitioners challenged denials in federal court during the Trump administration, and a significant number managed to get the denials reversed.¹²

H-1B PETITION DENIAL RATE BY FISCAL YEAR



DENIALS OF NEW H-1B PETITIONS



SHARE OF SERVICE CENTER DENIALS OVERRULED BY THE USCIS ADMINISTRATIVE APPEALS OFFICE



H-1B Registration Process

Prior to 2020, employers were required to submit full H-1B petitions without knowing whether a visa number would be available, given that demand for visa numbers usually outstrips supply. In March 2020 (for FY 2021, beginning October 1, 2020), USCIS changed to a registration process for employers that occurs before a full petition is required.¹³ The purpose of this new process was to reduce the burden on U.S. employers, and the agency, caused by requiring employers to submit complete H-1B petitions and supporting documentation prior to knowing whether a visa number would even be available. Each year, USCIS will announce the next registration period,¹⁴ during which a U.S. employer must register electronically for each foreign national for whom the employer intends to file an H-1B petition.¹⁵

Before USCIS required registration, if the cap was hit during the first five business days of the fiscal year, the agency conducted a lottery to determine which employers' petitions for H-1B workers would be processed.¹⁶ From FY 2008 to FY 2020, the annual H-1B cap was reached within the first five business days on eight occasions.¹⁷

*From FY 2008 to FY 2020, the annual H-1B cap was reached within the first five business days on **eight occasions.***

Under the new registration process, the U.S. employer must pay a \$10 fee for each registration submitted.¹⁸ The registration includes limited information about the U.S. employer and the foreign national, in contrast to the details USCIS requires when the U.S. employer submits a full H-1B petition.¹⁹ While USCIS has not placed any limit on the number of registrations a U.S. employer may file, the employer must attest that it intends to file an H-1B petition on the foreign national's behalf and cannot submit more than one registration per foreign national.²⁰

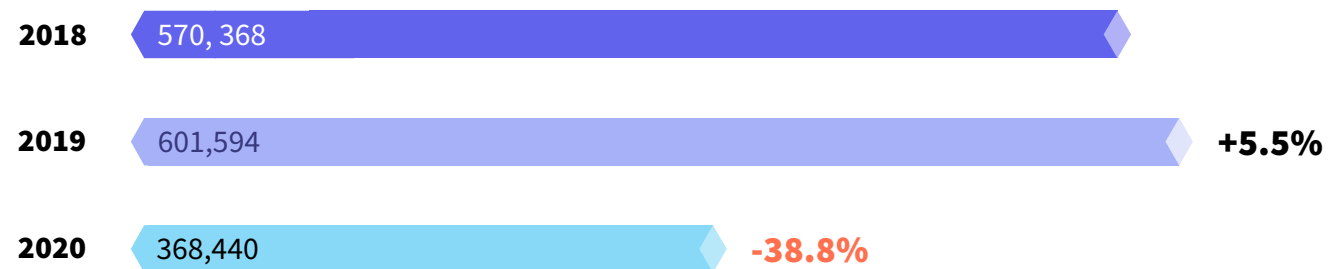
If USCIS receives more registrations than there are visa numbers available, the agency will run a lottery to determine who can file an H-1B petition.²¹ USCIS will select registrations for the 65,000 visa numbers first and then for the 20,000 master's exemption visa numbers.²² The agency will send notification electronically if it selects a registration.²³ USCIS will give the U.S. employer at least 90 days to file its H-1B petition.²⁴ If those whose registrations are selected do not submit enough petitions to use the available visa numbers, USCIS has the option to make additional selections.²⁵

USCIS reports that, for FY 2022, the agency received 308,613 registrations from employers early in 2021 and initially selected 87,500 of those, which is the number it projected would be necessary to meet the FY 2022 cap. But, because fewer selected employers than predicted actually submitted applications, the agency subsequently conducted two additional selections in the course of 2021. For FY 2023, the agency received 483,927 registrations early in 2022 and initially selected 127,600 of those. It remains to be seen how many of the selected employers will submit applications.²⁶



The number of H-1B visa holders admitted into the United States plummeted in 2020 as a result of travel and visa restrictions implemented by the Trump administration in response to the COVID-19 pandemic.²⁷ The Department of Homeland Security’s Office of Immigration Statistics reports that the number of H-1B recipients (plus their family members) who were admitted into the country rose from 570,368 in FY 2018 to 601,594 in FY 2019 and then dropped to 368,440 in FY 2020.²⁸ The restrictions imposed by Trump on the recipients of nonimmigrant work visas such as the H-1B expired in March 2021 and were not renewed by the Biden administration.²⁹

NUMBER OF H-1B RECIPIENTS (PLUS THEIR FAMILY MEMBERS) WHO WERE ADMITTED BY FISCAL YEAR

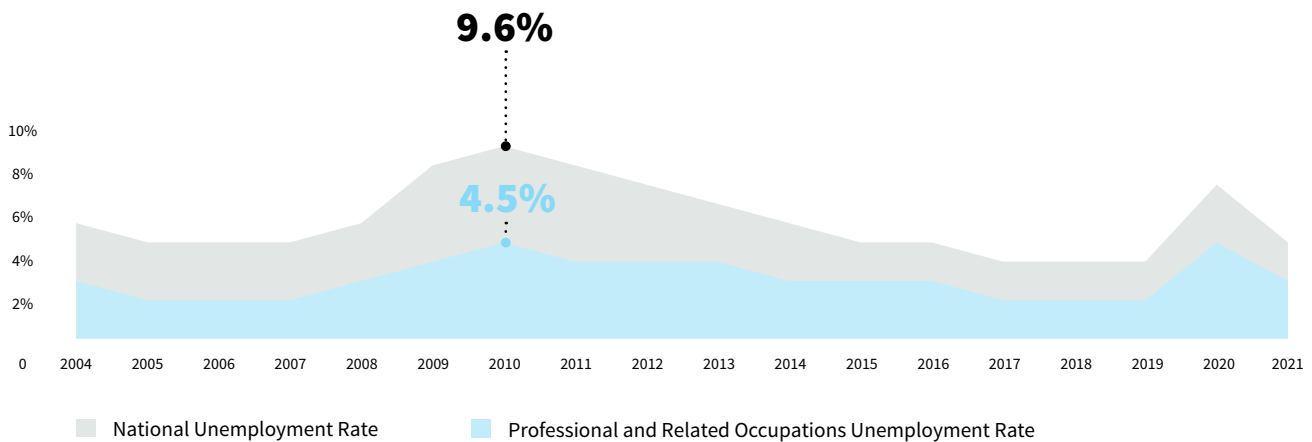


The Impact of H-1B Workers on the U.S. Economy

According to many economists, the presence of immigrant workers in the United States creates new job opportunities for native-born workers.³⁰ This occurs in five ways. First, immigrant workers and native-born workers often have different skill sets, meaning that they fill different types of jobs. As a result, they complement each other in the labor market rather than competing for the exact same jobs. Second, immigrant workers spend and invest their wages in the U.S. economy, which increases consumer demand and creates new jobs. Third, businesses respond to the presence of immigrant workers and consumers by expanding their operations in the United States rather than searching for new opportunities overseas. Fourth, immigrants themselves frequently create new businesses, thereby expanding the U.S. labor market. And fifth, the new ideas and innovations developed by immigrants fuel economic growth.³¹

The economic contributions of H-1B workers in particular may increase the employment opportunities available to native-born workers in the United States. That is why unemployment rates are relatively low in occupations that employ large numbers of H-1B workers. Many occupations for which H-1Bs are routinely requested are found within the broader category of Professional and Related Occupations. Low unemployment rates in these occupations from 2004 through 2021 (even during the COVID-19 pandemic) indicate that demand for labor exceeded the supply (see Figure 2).³²

FIGURE 2: UNEMPLOYMENT RATE IN THE UNITED STATES, 2004-2021



Source: Bureau of Labor Statistics and Current Population Survey.³³

Similarly, a recent study found that, between 2005 and 2018, an increase in the share of workers within a particular occupation who were H-1B visa holders was associated with a decrease in the unemployment rate within that occupation.³⁴ Another recent study found that restrictions on H-1B visas (such as rising denial rates) motivate U.S.-based multinational corporations to decrease the number of jobs they offer in this country. Instead, the corporations increase employment at their existing foreign affiliates or open new foreign affiliates—particularly in India, China, and Canada.³⁵

*Restrictions on H-1B visas (such as rising denial rates) motivate U.S.-based multinational corporations to **decrease the number of jobs they offer in this country.***

The available data also indicates that H-1B workers do not earn low wages or drag down the wages of other workers. In 2021, the median wage of an H-1B worker was \$108,000, compared to \$45,760 for U.S. workers in general. Moreover, between 2003 and 2021, the median wage of H-1B workers grew by 52 percent. During the same period, the median wage of all U.S. workers increased by 39 percent.³⁶ In FY 2019, 78 percent of all employers who hired H-1B workers offered wages to H-1B visa holders that were higher than what the Department of Labor had determined to be the “prevailing wage” for a particular kind of job.³⁷

MEDIAN WAGE FOR WORKERS IN 2022



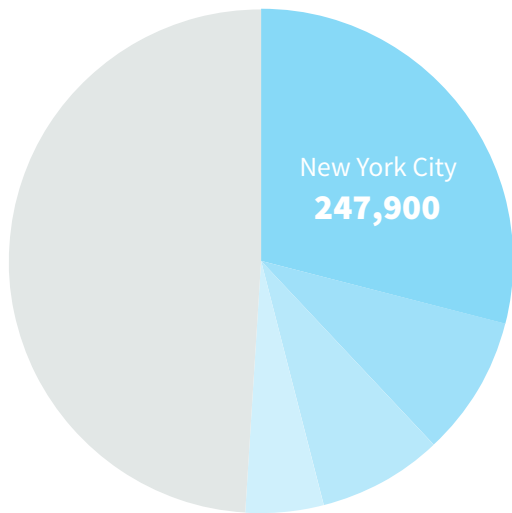
GROWTH IN MEDIAN WAGE BETWEEN 2003 AND 2021



The economic benefits of the H-1B visa program are felt in communities all across the United States—not just in the technology firms of Silicon Valley. For instance, from FY 2010 to FY 2016, the largest numbers of H-1B recipients were in the New York City metropolitan area (247,900 H-1B visa petition approvals, or 29 percent of all H-1B visa petition approvals in the country); followed by Dallas (74,000); Washington, DC (64,800); and Boston (38,300).³⁸ The highest concentration of H-1B workers was in College Station, Texas (32 H-1B approvals per 100 workers). San Jose, California—home of Silicon Valley—was a distant second (two approvals per 100 workers).³⁹

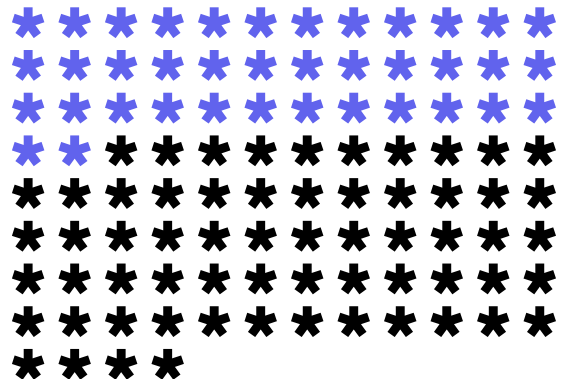
The COVID-19 pandemic has served as a reminder that the skills which H-1B workers bring with them can be critical in responding to national emergencies. For instance, between FY 2010 and FY 2019, eight U.S. companies that were developing a COVID vaccine—Gilead Sciences, Moderna Therapeutics, GlaxoSmithKline, Inovio, Johnson and Johnson Pharmaceuticals, Regeneron, Vir Therapeutics, and Sanofi—received approvals for 3,310 biochemists, biophysicists, chemists, and other scientists through the H-1B program.⁴⁰ In addition, many doctors on the front lines of the pandemic are present in the United States on H-1B visas.⁴¹

LARGEST NUMBER OF H-1B RECIPIENTS BY CITY, 2010 - 2016



■ Dallas	74,000
■ Washington, D.C.	64,800
■ Boston	38,300

*The highest concentration of H-1B workers was in **College Station, Texas with 32 H-1B approvals per 100 workers.***



ENDNOTES

1. A U.S. employer may file an H-1B petition at any time, without being subject to the numerical limitations, if it is within certain “cap exempt” categories, such as an “institution of higher education” or if the employer is petitioning for an H-1B worker who has already been counted against the numerical limitations within six years of the agency’s approval of the petition the employer files. See 8 U.S.C. §§ 1184(g)(5)(A)-(B), 1184 (g)(7).
2. U.S. Citizenship and Immigration Services, “H-1B Specialty Occupations, DOD Cooperative Research and Development Project Workers and Fashion Models,” updated May 18, 2022, <https://www.uscis.gov/working-united-states/temporary-workers/h-1b-specialty-occupations-dod-cooperative-research-and-development-project-workers-and-fashion-models>.
3. See 8 U.S.C. § 1184(g)(4); 8 C.F.R. §§ 214.2(h)(9)(iii)(A)(1), (h)(13)(iii)(A). Certain H-1B workers who face delays in the green card process are eligible for extensions beyond the six-year maximum. See 8 C.F.R. § 214.2(h)(13)(iii)(D).
4. See 8 U.S.C. § 1182(n); 20 C.F.R. §§ 655.730(c)(2), 655.730(d). American Immigration Council, “Employment-Based Visa Categories in the United States” (Washington, DC: July 8, 2021), <http://www.americanimmigrationcouncil.org/research/employment-based-visa-categories-united-states>.
5. See 20 C.F.R. § 655.734.
6. 8 U.S.C. §§ 1184(g)(1)(A)(vii) & (g)(5)(C). The advanced degree must be earned from a U.S. “institution of higher education,” as defined in 20 U.S.C. § 1001(a).
7. U.S. Citizenship and Immigration Services, “USCIS Reaches Fiscal Year 2022 H-1B Cap,” February 28, 2022, <https://www.uscis.gov/newsroom/alerts/uscis-reaches-fiscal-year-2022-h-1b-cap>.
8. For FY 1991 to FY 1998 the limit is 65,000, see 8 U.S.C. § 1184(g)(1)(A)(i); for FY 1999 and FY 2000 the limit is 115,000, see 8 U.S.C. § 1184(g)(1)(A)(ii)-(iii); for FY 2001 to FY 2003 the limit is 195,000, see 8 U.S.C. § 1184(g)(1)(A)(iv)-(vi); for FY 2004 and later the limit is 65,000, see 8 U.S.C. § 1184(g)(1)(A)(vii); for FY 2006 and later, there are an additional 20,000 visas available for foreign professionals who graduate with a master’s degree or doctorate from a U.S. university, see 8 U.S.C. § 1184(g)(5)(C).
9. National Foundation for American Policy, *H-1B Petitions and Denial Rates in FY 2021* (Arlington, VA: January 2022), 1, <https://nfap.com/wp-content/uploads/2022/01/H-1B-Petitions-and-Denial-Rates-in-FY-2021.NFAP-Policy-Brief-January-2022.pdf>
10. *Ibid.*, 12.
11. Sinduja Rangarajan, “Trump Has Built a Wall of Bureaucracy to Keep Out the Very Immigrants He Says He Wants,” *Mother Jones*, December 2, 2019, <https://www.motherjones.com/politics/2019/12/trump-h1b-visa-immigration-restrictions/>.
12. Hun Lee and Stephen Yale-Loehr, “Challenging H-1B Denials in Federal Courts: Trends and Strategies,” *ILW.com*, December 4, 2019, <http://discuss.ilw.com/articles/articles/392213-article-challenging-h-1b-denials-in-federal-courts-trends-and-strategies-by-by-hun-lee-and-stephen-yale-loehr-1>.
13. See Registration Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Cap-Subject Aliens, 85 Fed. Reg. 1176, 1176 (Jan. 9, 2020). See also Registration Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Cap-Subject Aliens, 84 Fed. Reg. 888, 888 (Jan. 31, 2019).
14. USCIS will announce the registration period on its website at least 30 days in advance. 8 C.F.R. § 214.2(h)(8)(iii)(A)(3). USCIS must start the registration period at least 14 calendar days before the date on which H-1B petitions may be filed for the particular fiscal year and accept registrations for at least 14 calendar days. *Id.*
15. 8 C.F.R. § 214.2(h)(8)(iii)(A)(1)-(2).
16. See 8 C.F.R. § 214.2(h)(8)(ii)(B) (2018).
17. USCIS, “USCIS Reaches FY 2008 H-1B Cap,” April 3, 2007, available at <https://www.aila.org/infonet/uscis-announces-h-1b-cap-reached>; USCIS, “USCIS Reaches FY 2009 H-1B Cap,” April 8, 2008, <https://www.aila.org/infonet/uscis-announces-fy2009-h-1b-caps-reached>; USCIS, “USCIS Reaches FY 2010 H-1B Cap,” December 22, 2009, <https://www.aila.org/infonet/uscis-reaches-fy-2010-h-1b-cap>; USCIS, “USCIS Reaches FY 2011 H-1B Cap,” January 27, 2011, <https://www.uscis.gov/archive/uscis-reaches-fy-2011-h-1b-cap>; USCIS, “USCIS Reaches Fiscal Year 2012 H-1B Cap,” November 23, 2011, <https://www.uscis.gov/archive/uscis-reaches-fiscal-year-2012-h-1b-cap>; USCIS, “USCIS Reaches Fiscal Year 2013 H-1B Cap,” June 12, 2012, <https://www.uscis.gov/archive/uscis-reaches-fiscal-year-2013-h-1b-cap>; USCIS, “USCIS Reaches FY 2014 H-1B Cap,” April 5, 2013, <https://www.uscis.gov/archive/uscis-reaches-fy-2014-h-1b-cap-0>; USCIS, “USCIS Reaches FY 2015 H-1B Cap,” April 7, 2014, <https://www.uscis.gov/archive/uscis-reaches-fy-2015-h-1b-cap>; USCIS, “USCIS Reaches FY 2016 H-1B Cap,” April 7, 2015, <https://www.uscis.gov/archive/uscis-reaches-fy-2016-h-1b-cap>; USCIS, “USCIS Reaches FY 2017 H-1B Cap,” April 7, 2016, <https://www.uscis.gov/archive/uscis-reaches-fy-2017-h-1b-cap>; USCIS, “USCIS Reaches FY 2018 H-1B Cap,” April 7, 2017, <https://www.uscis.gov/archive/uscis-reaches-fy-2018-h-1b-cap>; USCIS, “USCIS

ENDNOTES (CONTINUED)

- Reaches FY 2019 H-1B Cap,” April 6, 2018, <https://www.uscis.gov/archive/uscis-reaches-fy-2019-h-1b-cap>; USCIS, “USCIS Reaches FY 2020 H-1B Regular Cap,” April 5, 2019, <https://www.uscis.gov/archive/uscis-reaches-fy-2020-h-1b-regular-cap>; USCIS, “USCIS Completes the H-1B Cap Random Selection Process for FY 2020 and Reaches the Advanced Degree Exemption Cap,” April 11, 2019, <https://www.uscis.gov/archive/uscis-completes-the-h-1b-cap-random-selection-process-for-fy-2020-and-reaches-the-advanced-degree>.
18. 8 C.F.R. § 103.7(b)(1)(i)(NNN).
 19. Compare “USCIS H-1B Online Registration for Registrants,” slides 13-19 (Feb. 6, 2020), https://www.uscis.gov/sites/default/files/document/presentations/Overview_of_the_H-1B_Electronic_Registration_Process_-_A_Webinar_for_Registrants.pdf with Form I-129, Petition for a Nonimmigrant Worker, <https://www.uscis.gov/i-129>.
 20. 8 C.F.R. § 214.2(h)(8)(iii)(A)(1) (citing 8 C.F.R. § 103.2(a)(1) (“Every . . . benefit request must be submitted . . . and executed in accordance with the form instructions . . .”); 84 Fed. Reg. at 906 and “USCIS H-1B Online Registration for Registrants,” slide 26 (Feb. 6, 2020), https://www.uscis.gov/sites/default/files/document/presentations/Overview_of_the_H-1B_Electronic_Registration_Process_-_A_Webinar_for_Registrants.pdf (attestation); 8 C.F.R. § 214.2(h)(8)(iii)(A)(2) (one registration per beneficiary).
 21. 8 C.F.R. §§ 214.2(h)(8)(iii)(A)(5)(ii), (iii)(A)(6)(ii). When USCIS decides it has received enough registrations, it will “notify the public of the final registration date” and then run the lottery. *Id.* If at the end of the announced registration period, USCIS receives fewer registrations than needed, it will notify all U.S. employers with registrations that meet the agency’s requirements (i.e., “properly submitted”) that the agency selected their registrations. 8 C.F.R. §§ 214.2(h)(8)(iii)(A)(5)(i), (iii)(A)(6)(i). USCIS will keep the registration period open, will monitor additional registrations, and if it receives sufficient registrations, announce another final registration date (which could be earlier than the announcement date). *Id.* If necessary, USCIS will hold another lottery of the registrations “properly submitted” on the final registration date. *Id.*
 22. 8 C.F.R. §§ 214.2(h)(8)(iii)(A)(5)(ii), (iii)(A)(6)(ii).
 23. 8 C.F.R. § 214.2(h)(8)(iii)(B).
 24. 8 C.F.R. §§ 214.2(h)(8)(iii)(C), (iii)(D)(1)-(2). For petitions subject to the numerical limitations, the U.S. employer may file for an H-1B worker only if USCIS selected the registration for that worker and only within the filing period USCIS specifies in the selection notice. 8 C.F.R. §§ 214.2(h)(8)(iii)(A)(1), (iii)(D)(1).
 25. USCIS will keep the other registrations in “reserve” for the remainder of the fiscal year and may select additional registrations as needed to allocate all of the H-1B visa numbers. 8 C.F.R. § 214.2(h)(8)(iii)(A)(7). If USCIS selects all of the “reserve” registrations but has not used all of the H-1B visa numbers allocated, the agency will announce on its website a reopened registration period. *Id.* USCIS will monitor the new registrations, and if it receives sufficient registrations, announce another final registration date (which could be earlier than the announcement date). *Id.* If necessary, USCIS will hold another lottery of the registrations “properly submitted” on the final registration date. *Id.*
 26. U.S. Citizenship and Immigration Services, “H-1B Electronic Registration Process,” last updated on April 25, 2022, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-electronic-registration-process>.
 27. See Jorge Loweree, et al., *The Impact of COVID-19 on Non-citizens and Across the U.S. Immigration System* (Washington, DC: American Immigration Council, September 2020), <https://www.americanimmigrationcouncil.org/research/impact-covid-19-us-immigration-system>.
 28. Office of Immigration Statistics, U.S. Department of Homeland Security, Fiscal Year 2020 *U.S. Nonimmigrant Admissions Annual Flow Report*, October 4, 2021, Table 1, https://www.dhs.gov/sites/default/files/2022-01/21_1004_plcy_nonimmigrant_fy2020.pdf.
 29. Michelle Hackman, “Biden Administration to Allow Work-Visa Ban to Expire,” *Wall Street Journal*, March 31, 2021, <https://www.wsj.com/articles/biden-administration-to-allow-work-visa-ban-to-expire-11617204628>.
 30. For a review of relevant economic analyses, see Zsoka Koczan, et al., “The Impact of International Migration on Inclusive Growth: A Review,” IMF Working Paper WP/21/88 (International Monetary Fund, March 2021), 10-13, <https://www.elibrary.imf.org/downloadpdf/journals/001/2021/088/001.2021.issue-088-en.pdf>.
 31. *Ibid.*
 32. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, <https://www.bls.gov/webapps/legacy/cpsatab13.htm>. Data represent the annual unemployment rate for each year.
 33. *Ibid.*

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