

USCIS H-1B Cap Registration Period Set to Open on March 1

February 22, 2022 | Alert | By [John F. Quill](#), [Juan S. Steevens](#)

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Employers are reminded that the online registration period for H-1B quota selection for the upcoming fiscal year will begin on March 1 at 12:00 pm (noon) Eastern Standard Time and run through 12:00 pm (noon) Eastern Standard Time on March 18. The registration system for this year is similar to last year's H-1B registration.

Registrations will be submitted electronically through the [myUSCIS website](#) and will require a non-refundable \$10 registration fee.

Employers with existing myUSCIS accounts are reminded to log in to the myUSCIS website as soon as possible to confirm that they are able to access their accounts before the registration period begins.

Beginning at noon Eastern time on February 21, 2022, employers that do not have existing accounts may create new accounts on the myUSCIS website. **It is critical that employers wait until noon on February 21 to create new accounts** as it is not possible to create the correct type of account before then.

Please contact your Mintz Immigration attorney if you require instructions for logging in to an existing account, or creating a new account beginning February 21 at noon Eastern time.

Background

As explained in our prior [alert](#), the FY2023 H-1B quota is for H-1B registrations and petitions filed to USCIS in the spring of 2022, with a start date of October 1, 2022 or later.

Assuming that USCIS receives more registrations than the allotted number of 85,000 available H-1B petitions, USCIS will conduct a computer-generated lottery among all registrations. Employers with selected cases will then be eligible to file an H-1B petition within a designated 90-day period following registration selection. As mentioned above, approved H-1B petitions will be effective on October 1, 2022 or later — the start of the government's 2023 fiscal year.

Registrations that are not selected in the initial lottery will be held "in reserve" in the event that USCIS does not receive an H-1B petition for each selected registration. There is a possibility that USCIS will hold subsequent lotteries and select some of those registrations that are held in reserve. For example, if USCIS receives 80,000 petitions from the 85,000 selected registrations, they will likely hold a second lottery among the initial registrations to select another 5,000. Those subsequent selections will then have a 90-day window to file an H-1B petition. USCIS could repeat this process again if it does not receive enough petitions to fill the annual quota through a second lottery. As such, it is expected that USCIS will not immediately reject any H-1B cap registrations.

Last year, the odds of selection in the initial lottery were relatively low, at approximately 28%. However, after the lotteries held later in the year, in July and November, were complete, USCIS selected a total of approximately 43% of H-1B registrations submitted in March 2021. It remains to be seen whether USCIS will select a greater number of H-1B petitions in this year's initial lottery to avoid the need for subsequent rounds of selections.

Please contact your Mintz Immigration attorney if you have any questions.

Authors

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John's practice encompasses all aspects of immigration and nationality law. John draws on over two decades of experience to help companies and their employees obtain nonimmigrant visas, including B, E, H, J, L, O, and TN visas. He also handles applications for PERM labor certification; extraordinary ability, outstanding researcher, and national interest waiver petitions; adjustment of status procedures; consular processing; and naturalization.



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