



T&R IMMIGRATION NEWS ALERT!

JULY 27, 2023: USCIS ANNOUNCES SECOND H-1B CAP SELECTION

The USCIS has announced today that it will conduct a second random selection in the H-1B cap lottery for those who registered previously for the fiscal year 2024 H-1B cap. However, it has not indicated how many additional registrations will be made. This second selection is being made because the USCIS did not receive enough petitions to meet the 85,000 openings (65,000 for bachelor degrees and 20,000 for U.S. Master degrees).

The USCIS will announce when it has completed the second round of selection and notify employers and their representatives if selected.

The second selection is being conducted largely because of suspected fraud that occurred in the H-1B cap registration process, as we reported in our May newsletter. Please see prior article below.

Since the initial registration period and selection, the USCIS has been investigating many companies alleged to have participated in fraud by submitting multiple registrations for the same person. This has resulted in USCIS identifying registrations that were not in compliance with the required rules, as well as denials and revocations of some H-1B cap petitions, making room now for new selections.

T&R will be checking to see which H-1B registrations are selected in this second round and notifying employers.

(MAY 2023 POST): SUSPECTED FRAUD IN THE H-1B CAP LOTTERY

The number of registrations in the H-1B cap lottery increased by 61% in March 2023 compared to the lottery held in 2022, raising serious concerns regarding the integrity of

the H-1B cap lottery system. This year the USCIS received 780,884 registrations for the H-1B cap lottery compared to 483,927 last year (which was up 57% from 308,613 the year before). The USCIS has already started fraud investigations and threatens to deny or revoke petitions where they suspect fraud. They are allowed to deny a petition, or revoke an approval, if an H-1B registration included a false attestation or if it was not properly submitted.

Second H-1B selection: Due to possible denials or revocations of registrations or petitions, we might see a second selection in the H-1B lottery later this year between August and September.

H-1B modernization rule: The USCIS is also working on an H-1B modernization rule that will include changes to the H-1B registration process to reduce or eliminate misuse or fraud in the registration process. The rule is aimed at improving the registration process and reduce fraud.



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