

Changes to Broken H-1B Lottery Registration System? USCIS Proposed Rule Attempts to Address Issues with Multiple Registrations Fiasco



Immigration Blog

By [Andrew M. Wilson](#)

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FY2024 saw an astounding number of H-1B cap lottery registrations - 780,884. Included in that total were an equally astounding 408,891 registrations for beneficiaries with multiple registrations.

I spoke with one individual after the initial lottery process who said he was registered by 12 companies, only 7 of which he actually had knowledge. He was selected for three different registrations. That perfectly describes the problem with last year's lottery process and the current selection system in place.

How did we get here - a 14.6% selection rate for the H-1B cap lottery process? The answer is actually pretty simple. Outdated H-1B cap limits that do not represent current demand and a rushed electronic registration system left wide open for abuse.

USCIS hopes to implement some changes to improve its H-1B cap lottery registration system. They published a

Notice of Proposed Rulemaking (NPRM) to amend current regulations. The proposed rule covers a wide range of issues related to all types of H-1B matters, but the most interesting to me is the proposal to adjust the lottery registration system.

See:

<https://lnkd.in/eHihMPC>

The proposed change calls for a "Beneficiary Centric Solution". Companies will still submit registrations on behalf of beneficiaries, and beneficiaries will still be allowed to have multiple registrations. However, each beneficiary will be entered into the lottery system only once, regardless of how many registrations were submitted on their behalf. If selected, each company that submitted a registration on behalf of that beneficiary would be notified and would be eligible to file an H-1B petition on behalf of that individual.

This means that any beneficiary would only account for one lottery selection, regardless of how many registrations were submitted on their behalf.

This does not address outdated cap limits, but it goes a long way to leveling the field for everyone and curtailing any incentives for fraudulent registrations.

USCIS hopes to develop, test and implement this new system in time for the FY2025 lottery process (March 2024), but leaves open the possibility of delays.

I will be reviewing the entire proposed rule in more detail, including sections addressing H-1B cap exemptions; H-1B cap-gap provisions; amended petitions; employer-employee relationship; site visits and 3rd party placements.

Related Team



Andrew M. Wilson
Partner | Team Co-
Leader - Immigration



**Nisha V. Fontaine
(Jagtiani)**
Partner



Elizabeth M. Klarin
Partner



Eileen M. Martin
Partner | Team Co-
Leader - Immigration
| Team Leader -
Canada-U.S. Cross
Border

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