USCIS Announces Strengthened Integrity Measures for H-1B Program

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Announces FY 2025 H-1B Cap Initial Registration Period and Online Filing of H-1B Petitions

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) today announced a final rule to strengthen the integrity of and reduce the potential for fraud in the H-1B registration process, including by reducing the potential for gaming the registration system and ensuring each beneficiary would have the same chance of being selected, regardless of the number of registrations submitted on their behalf. USCIS is also announcing the initial registration period dates for the fiscal year (FY) 2025 H-1B cap, and the launch of an online filing option for Forms I-129, Petition for a Nonimmigrant Worker, and Form I-907, Request for Premium Processing Service, for H-1B petitioners.

"We're always looking for ways to bolster integrity and curtail the potential for fraud while improving and streamlining our application processes," **said USCIS Director Ur M. Jaddou.** "The improvements in these areas should make H-1B selections more equitable for petitioners and beneficiaries and will allow for the H-1B process to be fully electronic from registration, if applicable, until final decision and transmission of approved petitions to the Department of State."

H-1B Registration Final Rule

This final rule contains provisions that will create a beneficiary-centric selection process for registrations by employers, codify start date flexibility for certain petitions subject to the congressionally mandated H-1B cap, and add more integrity measures related to the registration process.

Under the beneficiary centric process, registrations will be selected by unique beneficiary rather than by registration. This new process is designed 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.

USCIS is also clarifying requirements regarding the requested employment start date on certain petitions subject to the congressionally mandated H-1B cap to permit filing with requested start dates that are after Oct. 1 of the relevant fiscal year, consistent with current policy.

Additionally, the H-1B final rule codifies USCIS' ability to deny or revoke H-1B petitions where the underlying registration contained a false attestation or was otherwise invalid. Also under the new rule, USCIS may deny or revoke the approval of an H-1B petition if it determines that the fee associated with the registration is declined, not reconciled, disputed, or otherwise invalid after submission.

USCIS has also announced the Fee Schedule final rule. That rule will go into effect after the initial registration period for the FY 2025 H-1B cap. Therefore, the registration fee during the registration period starting in March 2024, will remain $10.

A new edition of Form I-129 with the H-1B Registration final rule and Fee Schedule final rule changes will soon be available to preview on uscis.gov (edition date 04/01/24). On April 1, 2024, only the 04/01/24 edition of Form I-129 will be accepted.

The H-1B Registration final rule makes final some provisions proposed in the Oct. 23, 2023, Notice of Proposed Rulemaking (NPRM). Note that DHS intends to publish a separate final rule to address the remaining provisions contained in the NPRM.

FY 2025 H-1B Cap Initial Registration Period

The initial registration period for the FY 2025 H-1B cap will open at noon Eastern on March 6, 2024, and run through noon Eastern on March 22, 2024. During this period, prospective petitioners and their representatives, if applicable, must use a USCIS online account to register each beneficiary electronically for the selection process and pay the associated registration fee for each beneficiary.

For more information on the H-1B Cap Season, visit H-1B Cap Season webpage.

Organizational Accounts and Online Filing for Forms I-129 and I-907

On Feb. 28, 2024, USCIS will launch the previously announced new organizational accounts in the USCIS online account that will allow multiple people within an organization and their legal representatives to collaborate on and prepare H-1B registrations, H-1B petitions, and any associated Form I-907.

Also on Feb. 28, USCIS will launch online filing of Form I-129 and associated Form I-907 for non-cap H-1B petitions. On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts.

As a reminder, USCIS recently announced a final rule that will increase the filing fee for Form I-907, to adjust for inflation, effective Feb. 26, 2024. If USCIS receives a Form I-907 postmarked on or after Feb. 26, 2024, with the incorrect filing fee, we will reject the Form I-907 and return the filing fee. For filings sent by commercial courier (such as UPS, FedEx, and DHL), the postmark date is the date reflected on the courier receipt.

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