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News & Types: クライアント・アドバイザリー

米国移民局、2023年度H-1Bビザ申請登録の抽選結果を発表

4/15/2022

Practices: 移民法

The United States Citizenship and Immigration Service (USCIS) has announced the results of the fiscal year 2023 (FY2023) electronic H-1B Quota Registration selection (aka H-1B lottery). The USCIS received 483,927 H-1B registrations and initially selected 127,600 registrations projected as needed to reach the FY2023 numerical allocations. The number of registrations submitted this year is a 56% increase over last year's registration process. The number of registrations selected by the USCIS for acceptance in the H-1B lottery this year is a 46% increase over last year's first selection process, even though the H-1B quota numerical limitations have not changed.

Under the H-1B quota registration process, prospective H-1B petitioners (also known as registrants), and their authorized representatives, seeking to employ H-1B workers subject to the H-1B quota, complete an electronic registration process providing basic information about the employer and each requested worker. The USCIS then conducts the H-1B random selection process (or H-1B lottery) on the properly submitted electronic registrations. The selected registrations can be used to file H-1B quota petitions against the H-1B numerical limitations of 85,000 in total (65,000 regular with an extra 20,000 for U.S. Master's Degree or higher degree). Those with selected registrations are informed through their myUSCIS accounts which are updated to include a selection notice, which include details about when and where to file. The H-1B numerical limitations of 85,000 in total have not changed since 2004.

The number of applicants and the number of selections this year were particularly high. By comparison, for FY2022, USCIS received 308,613 H-1B registrations and initially selected only 87,500 projected as needed to reach the numerical allocations for FY2022. Second and third selections were conducted in July and November, adding an additional 27,717 and 16,753 selections respectively. This resulted in a total of 131,970 selected registrations for FY2022.

While the FY2023 127,600 initial selection number may seem high, by regulation, the USCIS must take into account historical data related to approvals, denials, revocations, and other factors to calculate the number of petitions that will be needed to meet the cap. This calculation also includes historical rates of those petitioners whose registrations are selected, but who do not file a petition based on those selected registrations.

Given this year's significantly increased number of initial selections (127,600), compared with last year's number of initial selections (87,500), and the number of available H-1B quota numbers (85,000), it appears likely that USCIS is seeking to avoid having multiple rounds of additional selections for FY2023.

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If you have questions regarding the H-1B Electronic Registration Selection process or the H-1B Quota process, please contact one of our Immigration attorneys.

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