

Blog Post

USCIS Launches New Organizational Accounts Platform to Facilitate the H-1B Lottery Registration Process

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The United States Citizenship and Immigration Services (USCIS) launched its new organizational accounts platform which allows multiple individuals within an organization, as well as their legal representatives, to collaborate on and prepare H-1B registrations on behalf of qualified candidates for the upcoming H-1B lottery. It's imperative that employers familiarize themselves with this platform to avoid any setbacks during the short H-1B registration window, which opens at noon EST on March 6, 2024, and closes at noon EST on March 22, 2024.

The H-1B Visa

The H-1B visa gives employers the opportunity to hire foreign nationals in specialty occupations for three years at a time and for a maximum period of six years. To qualify as a specialty occupation, the offered position must require the application of highly specialized knowledge in fields such as architecture, business, engineering, mathematics, medicine and health, and the arts, and must also require a bachelor's or higher degree.

USCIS is limited to a congressionally mandated quota of 65,000 regular cap H-1B visas, with 6,800 of those reserved for Chilean and Singaporean

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nationals, and 20,000 master's cap H-1B visas per fiscal year. Thus, *before* an employer can ask USCIS to admit a qualified candidate into the United States in H-1B status to begin working in a specialty occupation, or change the candidate's current U.S. immigration status to H-1B, the employer must register the candidate for the H-1B lottery, unless the employer is otherwise exempt (i.e., an institution of higher education, nonprofit organization related to or affiliated with an institution of higher education, or nonprofit research organization or governmental research organization, among others).

If enough registrations have been received to reach the cap, USCIS will conduct a random selection process. USCIS intends to notify employers of the results by March 31, 2024. Employers may file H-1B cap-subject petitions based on selected registrations on or after April 1, 2024, with an effective employment start date of October 1, 2024.

Organizational Accounts

To facilitate the H-1B lottery registration process, USCIS launched its new organizational accounts platform on February 28, 2024. To properly utilize the platform, employers must first decide who will be the Administrator for the company. The Administrator is the person who will create and oversee a "Company Group" that will allow multiple individuals within the organization to collaborate on and prepare H-1B registrations for qualified candidates. The Administrator must be someone who has the authority to sign, pay for, and submit registrations on behalf of the company.

Once the Company Group is created, the Administrator can invite coworkers to be Administrators or Members. It's recommended that each Company Group have at least two Administrators so that there is a backup who can perform the Administrator's functions. Unlike Administrators, Members are individuals who lack critical permissions but are able to create, edit, and

delete drafts of H-1B registrations. Administrators can also invite their legal representatives to prepare H-1B registrations on behalf of the company.

The Company Group or legal team can begin preparing H-1B registrations during the 17 day window in March. They will be prompted to provide important details related to the foreign national such as their full name, date and place of birth, country of citizenship, passport or travel document number, and whether the foreign national has obtained a master's or higher degree from a U.S. institution of higher education. Employers must pay the associated registration fee of \$10 for each prospective candidate.

New Rule Regarding Passports and Travel Documents

Beginning this year, USCIS will require H-1B lottery registrants to provide valid passport or travel document information for each prospective candidate. Further, the passport or travel document provided in the selected registration must be the same document that the candidate intends to use to enter the United States if selected in the H-1B registration process and issued an H-1B visa. Registrants are required to submit evidence of the passport or travel document used at the time of registration to identify the candidate, and each candidate must only be registered under one passport or travel document.

This new rule may be problematic for candidates who have expired or expiring passports and/or travel documents. Notably, in some circumstances, USCIS is permitted to find a change in identifying information permissible. According to USCIS, such circumstances may include, but are not limited to, a legal name change due to marriage, change in gender identity, or a change in passport number or expiration date due to renewal or replacement of a stolen passport, in between the time of registration and filing the petition.

Important Considerations for Employers

Employers may only submit one registration on behalf of a qualified candidate per fiscal year. Once the initial registration period has closed, if the employer has more than one registration submitted for the same candidate, USCIS may invalidate all registrations submitted for that candidate from the selection process.

Therefore, when it's time to prepare H-1B registrations, the Administrator and legal representative should coordinate and decide who will prepare them to avoid common mistakes and duplicate entries. It's important to note that the legal representative cannot access, view, or edit drafts initiated by anyone in the company. However, drafts initiated by the legal representative can be reviewed by the Company Group, which can accept or decline drafts prepared by the legal representative.

Regarding the new passport rule, employers should work with their prospective candidates to identify passport and travel document expiration dates and renew expiring passports prior to March 22, 2024, the last day of the registration window, to avoid the possibility of denials or revocations of future H-1B petitions.

Finally, USCIS has confirmed that the final rule increasing the H-1B lottery registration fee to \$215 will not go into effect this year. Accordingly, employers should take measures now to assess their H-1B needs and evaluate prospective candidates inside and outside the United States to accelerate the registration process during the short window in March to take advantage of this year's \$10 registration fee.

For questions related to H-1B visas, organizational accounts, and the H-1B lottery registration process, please contact your Akerman immigration lawyer.

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