CLIENT ALERTS & INSIGHTS

USCIS Announces Changes to The H-1B Visa Lottery Registration, Selection, and Filing Process and Implements Fee Increases For Certain Visas

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In an effort to reduce fraud in the H-1B Visa Lottery program, the U.S. Department of Homeland Security (DHS) is implementing a new process targeted at selecting unique beneficiaries rather than registrations. This will give each beneficiary the same chance for selection without regard to the number of registrations submitted for each beneficiary. This new beneficiary-centric selection process will be implemented for FY 2025 cap season (beginning noon Eastern on March 6, 2024, through noon Eastern on March 22, 2024). Additional noteworthy changes include the following:

- The registrations must include the beneficiary's valid passport or valid travel document that they intend to use to enter the United States.
- Permit requested start dates on or after October 1 of the relevant fiscal year for certain H-1B Cap-subject Petitions.
- 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.
- The H-1B Registration fee will continue to be $10 for FY 2025 H-1B Cap.

Effective 2/26/2024, USCIS will increase the filing fee for Form I-907, Request for Premium Processing, to adjust for inflation. The new fee will be $2,805 for all H-1B and I-140 petitions.

Effective 2/28/2024, USCIS will launch organizational accounts for non-cap and H-1B cap filings with online filing of Forms I-129 and I-907 following shortly thereafter. This will allow multiple individuals within an organization and their legal representatives to collaborate and prepare H-1B registrations, Form I-129 and associated Form I-907. USCIS will also transition the paper filing location for Forms I-129 and I-907 from service centers to the USCIS lockbox as part of the efforts to increase efficiency by standardizing processes and reducing costs.

Effective 4/1/2024, a new edition of Form I-129 with the H-1B Registration final rule will be available. On 4/1/2024, only the 04/01/24 edition of Form I-129 and Form I-140 will be accepted.

Effective 4/1/2024, U.S. Citizenship and Immigration Services (USCIS) is set to implement significant fee increases for several key visa categories including H-1B, L-1, H-2A, H-2B, O-1.

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Form I-129 H-1B Petition fee will increase by 70% (from $460 to $780).

- Form I-129 H-2B and H-2A Named Beneficiary fee will increase by 135-137% (from $460 to $1080-$1090).
- Form I-129 L-1 Petition fee will increase by 201% (from $460 to $1385)
- Form I-129 O-1 Petition fee will increase by 129% (from $460 to $1055)

Employers planning to sponsor employees for non-immigrant and immigrant visa petitions including the upcoming FY 2025 H-1B Cap must review budgets, filing strategies, timelines, and potential adjustment to hiring strategies in light of these changes. For any further guidance or assistance, please contact a member of Benesch's Immigration Team.

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