

USCIS Reaches Fiscal Year 2024 H-1B Cap

December 19, 2023

U.S. Citizenship and Immigration Services (USCIS) has **received enough petitions** to reach the 65,000 H-1B visa regular cap and the 20,000 H-1B visa U.S. advanced degree master's cap and has completed the H-1B selection process for fiscal year 2024. U.S. employers seeking to sponsor employees under either the H-1B regular cap or U.S. advanced degree cap will need to focus on applications for fiscal year 2025, the registration for which will open in March 2024.

Over the past week, USCIS has been updating employer and attorney online accounts with non-selection notices of any registrations which were submitted under the H-1B registration period but have not been selected. Any registrations that were not selected in the FY 2024 H-1B CAP have been or will be updated electronically with a non-selection notice and the employee registration will be updated from "submitted" to "not selected." The "not selected" designation means the employer is not eligible to file an H-1B cap petition based on this registration.

USCIS will continue to accept and process petitions for H-1B workers who are exempt from the cap, or who have previously been counted against the cap. This includes petitions for extension of status, change of employer, concurrent employment, a change in the terms of employment for H-1B workers, and employment with cap-exempt petitioners such as institutions of higher education.

Employers should review the nonimmigrant status and work authorization of any employee whose registration was not selected to ensure the employee continues to hold valid employment authorization. F-1 **student visa holders with a degree in a STEM field**, are eligible for a total of three years of post-completion optional training and should review the expiration of their current employment authorization to ensure a timely filing of any required extension. F-1 student visa holders with Curricular Practical Training (CPT) employment authorization will need to connect with their Designated School Official (DSO) to ensure they are eligible to continue **CPT employment authorization** for winter or spring enrollment. Any registrations that were not selected under the FY 2024 H-1B CAP are eligible for submission under the FY 2025 H-1B CAP, which will open in March 2024.

Employers should notify the Miller Canfield Immigration Team immediately with any questions regarding employment authorization for employees not selected in the FY 2024 H-1B CAP or for questions regarding the FY 2025 H-1B CAP.