



GROSSMAN YOUNG & HAMMOND
TRANSCENDING BORDERS™

4922 Fairmont Avenue, Suite 200
Bethesda, MD 20814
240.403.0913

8737 Colesville Road, Suite 500
Silver Spring, MD 20910
301.917.6900

Concerns at USCIS After H-1B Initial Registration Period

United States Citizenship and Immigration Services (USCIS) [announced](#) at the end of March that it had received enough [H-1B registrations](#) to meet its quota, known as the [H-1B cap, for FY 2024](#). An announcement that the H-1B category was once again oversubscribed was nothing new, but the seismic increase in registrations was certainly a shift. One which has raised concerns among all parties, including USCIS.

In 2020, USCIS implemented an electronic registration process for applicants in the H-1B lottery, which was a major efficiency improvement for the organization and those submitting applications.

In the most recent registration period for the FY2024 H-1B cap, USCIS saw a major increase in the volume of registrations compared to past years. Interestingly, USCIS saw an increase in:

- 1) The total number of registrations.
- 2) The number of registrations submitted on behalf of beneficiaries with multiple registrations.
- 3) The number of registrations submitted on behalf of unique beneficiaries with only one registration.

[This chart](#) from USCIS shows registration and selection numbers for fiscal years 2021-2024 (as of April 24, 2023).

Cap Fiscal Year	Total Registrations	Eligible Registrations	Eligible Registrations for Beneficiaries with No Other Eligible Registrations	Eligible Registrations for Beneficiaries with Multiple Eligible Registrations	Selections
2021	274,237	269,424	241,299	28,125	124,415
2022	308,613	301,447	211,304	90,143	131,924
2023	483,927	474,421	309,241	165,180	127,600
2024	780,884	758,994	350,103	408,891	110,791

It is the second of the observed increases – beneficiaries with multiple registrations – that is the most cause for concern. While USCIS does accept multiple registrations for the same beneficiary,

such a dramatic increase in these registrations leads to questions of potential fraud. Specifically, there was an unprecedented 147% increase in the number of eligible registrations for beneficiaries with multiple eligible registrations. A dramatic increase, which has led USCIS to question the possibility that some petitioners may have tried to gain an unfair advantage by working together to submit registrations on behalf of the same beneficiary, unfairly increasing their chances of selection.

In response to these numbers, USCIS reminded the public that “each prospective petitioner is required to sign an attestation, under penalty of perjury, that:

- All of the information contained in the registration submission is complete, true, and correct;
- the registration(s) reflect a legitimate job offer; and
- the registrant, or the organization on whose behalf the registration(s) is being submitted, has not worked with, or agreed to work with, another registrant, petitioner, agent, or other individual or entity to submit a registration to unfairly increase chances of selection for the beneficiary or beneficiaries in this submission.”

USCIS has advised that if it finds that a prospective petitioner submitted a registration that violates the signed attestation, it may deny a petition, or revoke a petition approval. It may also refer the individual or entity who submitted a false attestation to appropriate federal law enforcement agencies. USCIS states:

Based on evidence from the FY 2023 and FY 2024 H-1B cap seasons, USCIS has already undertaken extensive fraud investigations, denied and revoked petitions accordingly, and is in the process of initiating law enforcement referrals for criminal prosecution.

The American Immigration Lawyers Association (AILA)’s recent video explains this issue in more detail: <https://www.youtube.com/watch?v=pKVZ4uYPyx4>

Contact us to discuss your H-1B program or to learn more: info@grossmanyong.com | 301.917.6900