Overview

The H-1B program applies to employers seeking to hire nonimmigrant aliens as workers in specialty occupations or as fashion models of distinguished merit and ability. A specialty occupation is one that requires the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent. The intent of the H-1B provisions is to help employers who cannot otherwise obtain needed business skills and abilities from the U.S. workforce by authorizing the temporary employment of qualified individuals who are not otherwise authorized to work in the United States.

The law establishes certain standards in order to protect similarly employed U.S. workers from being adversely affected by the employment of the nonimmigrant workers, as well as to protect the H-1B nonimmigrant workers. Employers must attest to the Department of Labor that they will pay wages to the H-1B nonimmigrant workers that are at least equal to the actual wage paid by the employer to other workers with similar experience and qualifications for the job in question, or the prevailing wage for the occupation in the area of intended employment – whichever is greater.

Eligibility Criteria

Classification	General Requirements (among others)	Labor Condition Application Required?

H-1B Specialty Occupations	The occupation requires: ● Theoretical and practical application of a body of highly specialized knowledge; and ● Attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States. The position must also meet one of the following criteria to qualify as a specialty occupation: ● Bachelor's or higher degree or its equivalent is normally the minimum entry requirement for the particular position ● The degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, the job is so complex or unique that it can be performed only	Yes. The prospective petitioner must include a Form ETA-9035/9035E, Labor Condition Application (LCA) certified by the Department of Labor (DOL), with the Form I-129, Petition for a Nonimmigrant Worker. See the DOL's Office of Foreign Labor Certification. For more information see the Information for Employers and Employees page.

	by an individual with a degree ● The employer normally requires a degree or its equivalent for the position ● The nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor's or higher degree.* For you to qualify to perform services in a specialty occupation you must meet one of the following criteria: ● Hold a U.S. bachelor's or higher degree required by the specialty occupation from an accredited college or university ● Hold a foreign degree that is the equivalent to a U.S. bachelor's or higher degree required by the specialty occupation from an accredited college or university	

	• Hold an unrestricted state license, registration, or certification that authorizes you to fully practice the specialty occupation and be immediately engaged in that specialty in the state of intended employment Have education, specialized training, and/or progressively responsible experience that is equivalent to the completion of a U.S. bachelor's or higher degree in the specialty occupation, and have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.**	

H-1B2 DOD Researcher and Development Project Worker	The job must require a bachelor’s or higher degree, or its equivalent, to perform the duties. The petition must be accompanied by: 1. A verification letter from the DOD project manager for the particular project stating that the beneficiary will be working on a cooperative research and development project or a coproduction project under a reciprocal Government-to-Government agreement administered by DOD. Details about the specific project are not required. 2. A general description of the beneficiary's duties on the particular project and the actual dates of the beneficiary's employment on the project. 3. A statement indicating the names of noncitizens currently employed on the project in the	No.

	United States and their dates of employment and the names of noncitizens whose employment on the project ended within the past year. To be eligible for this classification you must have a bachelor's or higher degree or its equivalent in the occupational field in which you will be performing services. This requirement can be met based on one of the following criteria: ● Hold a U.S. bachelor’s or higher degree required by the duties from an accredited college or university ● Hold a foreign degree that is the equivalent to a U.S. bachelor’s or higher degree from an accredited college or university ● Hold an unrestricted state license, registration, or certification that authorizes you to fully practice the duties of the job and be immediately engaged in that	

	specialty in the state of intended employment ● Have education, specialized training, or progressively responsible experience in the specialty that is equivalent to the completion a U.S. bachelor's or higher degree, and have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.**	
H-1B3 Fashion Model	The position/services must require a fashion model of prominence. To be eligible for this visa category you must be a fashion model of distinguished merit and ability.	Yes. The prospective petitioner must include a Form ETA-9035/9035E, Labor Condition Application (LCA) certified by the Department of Labor (DOL), with the Form I-129. See the links to the Department of Labor's Office of Foreign Labor Certification.

*For more information, see 8 CFR §214.2(h)(4)(iii)(A). "Normally," "common," and "usually" are interpreted based on their plain language, dictionary definitions. They are not interpreted to mean "always."

**For more information see 8 CFR §214.2(h)(4)(iii)(C).

H-1B Licensing

Some professions require an H-1B beneficiary to hold a state or local license authorizing the beneficiary to fully practice the specialty occupation.

If an occupation in the state of intended employment requires such a license, an H-1B beneficiary seeking classification in that occupation generally must have that license before the petition is approved, rather than at the time of filing the petition. See 8 CFR 214.2(h)(4)(v)(A)–(B). When a license is required, but there is no evidence of the beneficiary holding one, USCIS will generally issue a request for evidence of the required license.

8 CFR 214.2(h)(4)(v)(A)–(B):

> (v) ***Licensure for H classification*** —
>
> (A) ***General.*** If an occupation requires a state or local license for an individual to fully perform the duties of the occupation, an alien (except an H-1C nurse) seeking H classification in that occupation must have that license prior to approval of the petition to be found qualified to enter the United States and immediately engage in employment in the occupation.
>
> (B) ***Temporary licensure.*** If a temporary license is available and the alien is allowed to perform the duties of the occupation without a permanent license, the director shall examine the nature of the duties, the level at which the duties are performed, the degree of supervision received, and any limitations placed on the alien. If an analysis of the facts demonstrates that the alien under supervision is authorized to fully perform the duties of the occupation, H classification may be granted.
>
> (C) ***Duties without licensure.***
>
> (*1*) In certain occupations which generally require licensure, a state may allow an individual without licensure to fully practice the occupation under the supervision of licensed senior or supervisory personnel in that occupation. In such cases, USCIS shall examine the nature of the duties and the level at which they are performed, as well as evidence provided by the petitioner as to the identity, physical location, and credentials of the individual(s) who will supervise the alien, and evidence that the petitioner is complying with state requirements. If the facts demonstrate that the alien under supervision will fully perform the duties of the occupation, H classification may be granted.
>
> (*2*) An H-1B petition filed on behalf of an alien who does not have a valid state or local license, where a license is otherwise required to fully perform the duties in that occupation, may be approved for a period of up to 1 year if:
>
> (*i*) The license would otherwise be issued provided the alien was in possession of a valid Social Security number, was authorized for employment in the United States, or met a similar technical requirement; and

(*ii*) The petitioner demonstrates, through evidence from the state or local licensing authority, that the only obstacle to the issuance of a license to the beneficiary is the lack of a Social Security number, a lack of employment authorization in the United States, or a failure to meet a similar technical requirement that precludes the issuance of the license to an individual who is not yet in H-1B status. The petitioner must demonstrate that the alien is fully qualified to receive the state or local license in all other respects, meaning that all educational, training, experience, and other substantive requirements have been met. The alien must have filed an application for the license in accordance with applicable state and local rules and procedures, provided that state or local rules or procedures do not prohibit the alien from filing the license application without provision of a Social Security number or proof of employment authorization or without meeting a similar technical requirement.

(*3*) An H-1B petition filed on behalf of an alien who has been previously accorded H-1B classification under paragraph (h)(4)(v)(C)(*2*) of this section may not be approved unless the petitioner demonstrates that the alien has obtained the required license, is seeking to employ the alien in a position requiring a different license, or the alien will be employed in that occupation in a different location which does not require a state or local license to fully perform the duties of the occupation.

H-1B Electronic Registration Process

In 2020, we implemented an electronic registration process for the H-1B cap. A cap-subject H-1B petition will not be considered to be properly filed unless it is based on a valid, selected registration for the same beneficiary and the appropriate fiscal year, unless the registration requirement is suspended. For more information about the H-1B registration process, visit our H-1B Electronic Registration Process webpage.

ALERT: As of April 1, 2024, USCIS service centers are no longer accepting Form I-129 petitions requesting H-1B or H-1B1 (HSC) classification.

We will reject H-1B or H-1B1 (HSC) petitions received at a USCIS service center on or after April 1, 2024. There will be **no grace period** provided.

As of April 1, 2024, all paper-filed Form I-129 petitions requesting H-1 or H-1B1 (HSC) classification, including those with a concurrent Form I-907, Request for Premium Processing Service, and those with concurrently filed Form I-539 and/or Form I-765, must be filed at a USCIS lockbox facility. You can find the lockbox filing addresses for paper-filed forms on our Form I-129 Direct Filing Addresses page.

If you are filing Form I-129 alone or with Form I-907, you may also file online. On March 25, USCIS launched online filing of Form I-129 and associated Form I-907 for non-cap H-1B petitions. On April 1, USCIS began accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected. To file online, visit myaccount.uscis.gov.

In addition, on Feb. 28, 2024, USCIS launched new USCIS organizational accounts that allow multiple people within a company and their legal representatives to collaborate and prepare H-1B registrations, online H-1B petitions, and associated online requests for premium processing.

Prospective petitioners seeking to file H-1B cap-subject petitions, including for beneficiaries eligible for the advanced degree exemption, must first electronically register and pay the associated H-1B registration fee for each prospective beneficiary. See Fee Schedule, Form G-1055.

The electronic registration process streamlines processing by reducing paperwork and data exchange and provides overall cost savings to employers seeking to file H-1B cap-subject petitions.

Under this process, prospective petitioners (also known as registrants), and their authorized representatives, who are seeking to employ H-1B workers subject to the cap, complete a registration process that requires basic information about the prospective petitioner and each requested worker. The initial registration period is for a minimum of 14 calendar days each fiscal year. The H-1B selection process is then run on properly submitted electronic registrations. Only those with selected registrations are eligible to file H-1B cap-subject petitions.

On Jan. 30, 2024, USCIS announced a final rule to strengthen integrity and reduce the potential for fraud in the H-1B registration process, including by ensuring each beneficiary would have the same chance of being selected, regardless of the number of registrations submitted on their behalf. The final rule created a beneficiary-centric selection process for registrations by employers, codified start date flexibility for certain petitions subject to the congressionally mandated H-1B cap, and added more integrity measures related to the registration process.

Under the beneficiary-centric process, registrations are selected by unique beneficiary rather than by registration. The final rule went into effect on March 4, 2024, and applied to the fiscal year (FY) 2025 registration process. Starting with the FY 2025 initial registration period, USCIS is requiring registrants to provide valid passport information or valid travel document information for each beneficiary. The passport or travel document provided must be the one the beneficiary, if or when abroad, intends to use to enter the United States if issued an H-1B visa. Each beneficiary must only be registered under one passport or travel document. Only

those with selected registrations are eligible to file H-1B cap-subject petitions. For additional information on the passport or valid travel document requirement, please see the Frequently Asked Questions section below.

Selections take place after the initial registration period closes, so there is no requirement to register on the day the initial registration period opens.

FY 2025 H-1B Cap Registration Process Update

As we announced on April 1, 2024, we received enough electronic registrations during the initial registration period to reach the fiscal year 2025 H-1B numerical allocations (H-1B cap), including the advanced degree exemption, also known as the master's cap.

We selected 114,017 beneficiaries, resulting in 120,603 selected registrations in the initial selection for the FY 2025 H-1B cap.

We subsequently announced that we would need to select additional registrations for unique beneficiaries to reach the FY 2025 regular cap numerical allocations. As announced on August 5, 2024, our projections indicate we have now randomly selected a sufficient number of registrations for unique beneficiaries as needed to reach the regular cap from the remaining properly submitted FY 2025 registrations. Additionally, we have notified all prospective petitioners with selected registrations from this round of selection that they are eligible to file an H-1B cap-subject petition for the beneficiary named in the applicable selected registration. We selected 13,607 beneficiaries in the second selection for the FY 2025 H-1B regular cap, resulting in 14,534 selected registrations.

During the registration period for the FY 2025 H-1B cap, we saw a significant decrease in the total number of registrations submitted compared to FY 2024, including a decrease in the number of registrations submitted on behalf of beneficiaries with multiple registrations.

- The number of unique beneficiaries this year for FY 2025 (approximately 442,000) was comparable to the number last year for FY 2024 (approximately 446,000).
- The number of unique employers this year for FY 2025 (approximately 52,700) was also comparable to the number last year for FY 2024 (approximately 52,000).
- The number of eligible registrations, however, was down dramatically for FY 2025 (470,342) compared with FY 2024 (758,994) — a 38.6% reduction.
- Overall, we saw an average of 1.06 registrations per beneficiary this year in FY 2025, compared to 1.70 for FY 2024.

This chart shows registration and selection numbers for fiscal years 2021-2025 (as of April 12, 2024):

Cap Fiscal Year	Total Registrations	Eligible Registrations*	Eligible Registrations for Beneficiaries with No Other Eligible Registrations	Eligible Registrations for Beneficiaries with Multiple Eligible Registrations	Selected Registrations
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	188,400**
2025	479,953	470,342	423,028	47,314	135,137***

**The count of eligible registrations excludes duplicate registrations, those deleted by the prospective employer prior to the close of the registration period, and those with failed payments.*

***The number of initial selections for FY 2024 – 110, 791 – was smaller than in prior years primarily due to (a) establishing a higher anticipated petition filing rate by selected registrants based on prior years; and (b) higher projected Department of State approvals of H-1B1 visas, which count against the H-1B cap.*

****The number of initial selections for FY 2025 – 120,603 – was smaller than in prior years primarily due to establishing a higher anticipated petition filing rate based on the beneficiary-centric selection process (i.e. selection by unique beneficiary). USCIS selected the number of unique beneficiaries projected as needed to reach the congressionally mandated caps and exemptions. All properly submitted registrations for those beneficiaries that were selected were set to a selected status. Accordingly, the number of selected registrations was higher than the number of selected*

beneficiaries and this number is not completely comparable to prior years that used a direct registration selection method.

Measures to Combat Fraud in the Registration Process

The initial data for the registration period for the FY 2025 H-1B cap indicates that there were far fewer attempts to gain an unfair advantage than in prior years, owing in large measure to our implementation of the beneficiary-centric selection process under the final rule on Improving the H-1B Registration Selection Process and Program Integrity.

We remain committed to deterring and preventing abuse of the H-1B registration process, and to ensuring that only those who follow the law are eligible to file an H-1B cap petition.

We remind the public that at the time each registration is submitted, each prospective petitioner is required to sign an attestation, under penalty of perjury, that:

- All the information contained in the registration submission is complete, true, and correct;
- The registrations reflect a legitimate job offer; and
- The registrant, or the organization for whom the registration is 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.

If we find that this attestation was not true and correct, we will find the registration to not be properly submitted and the prospective petitioner would not be eligible to file a petition based on that registration. We may deny a petition, or revoke a petition approval, based on a registration that contained a false attestation and was therefore not properly submitted.

Furthermore, we may also refer the individual or entity who submitted a false attestation to appropriate federal law enforcement agencies for investigation and further action, as appropriate.

Based on evidence from the FY 2023 and FY 2024 H-1B cap seasons, we have undertaken extensive fraud investigations, denied and revoked petitions accordingly, and continue to make law enforcement referrals for criminal prosecution. We are also reviewing the FY 2025 data for any attempts to gain an unfair advantage through the beneficiary-centric selection process. If applicable, we will deny or revoke any petitions and make law enforcement referrals for criminal prosecution accordingly.

We believe that the decreased filing rate for FY 2024 H-1B cap petitions and the decreased registration numbers for FY 2025 are indicative that these investigations and the beneficiary-centric selection process have been effective integrity measures.

The H-1B program is an essential part of our nation's immigration system and our economy, and we are committed to implementing the law and helping meet the ever-changing needs of the U.S. labor market.

You can report suspected immigration benefit fraud and abuse to USCIS through our online tip form.

For more information about the H-1B program, visit our H-1B Specialty Occupations webpage.

How to Register

To submit an H-1B registration, you must first create a USCIS online account.

The initial registration period for FY 2025 will open at noon Eastern on March 6 and run through noon Eastern on March 25. Both representatives and registrants must wait until March 1 to create and submit H-1B registrations.

On Feb. 28, 2024, USCIS will launch new myUSCIS organizational accounts that will allow multiple people within an organization and their legal representatives to collaborate on and prepare H-1B registrations, H-1B petitions, and any associated Form I-907, Request for Premium Processing Service.

Prospective petitioners submitting their own registrations (U.S. employers and U.S. agents, collectively known as "registrants") will use an "organizational" account (formerly known as a "registrant" account). Registrants will be able to create new organizational accounts beginning at noon Eastern on Feb. 28, 2024. Those who have an existing registrant account can easily upgrade to an organizational account instead of creating a new account.

Representatives can create an account at any time by using the same kind of account already available to representatives. Representatives who already have a representative account may use that account; they do not need to create a new account. They will also have the ability to upgrade to an organizational account beginning at noon Eastern on Feb. 28, 2024.

We launched our Tech Talks sessions in February to help guide organizations and legal representatives through the new process. We will also be hosting two national engagements on the registration process and online filing of Form I-129 for H-1B petitions leading up to the cap season. During the Tech Talk sessions, individuals will have the opportunity to ask questions about the organizational accounts and online filing. USCIS encourages all individuals involved in the H-1B registration and petition

filing process to attend these sessions. Additional information and dates are available on the Upcoming National Engagements page.

All presentations on organizational accounts will be posted to our Electronic Reading Room and we have also posted helpful videos on our USCIS YouTube channel.

Visit our Contact Public Engagement page to subscribe to notifications about upcoming engagements.

Step-by-Step Instructions

Registering online is quick and easy!

Organizational Accounts for Legal Representatives - Demonstration
In this video, we present some of the new features in organizational accounts for legal representatives and show you how to use the accounts.
Link: https://youtu.be/_jcj4ak_xAk

Organizational Accounts for Companies - Demonstration
In this video, we present some of the new features in organizational accounts for companies and show you how to use the accounts.
Link: https://youtu.be/lkRs9-YmdD0

Tips to Avoid Common Mistakes with H-1B Electronic Registration

Based on our experience with the H-1B electronic registration period, the top two user errors are:

- Creating the wrong type of account; and
- Entering the same beneficiary more than once.

Make Sure You Create the Right Type of Account

There are three types of USCIS online accounts:

1. Applicant/petitioner/requestor account – Individuals use this type of account to prepare and file applications, petitions, or other benefit requests. **You cannot use this account type to prepare or submit H-1B registrations.**
2. Attorney/representative account – If you are an attorney or accredited representative (legal representative) submitting H-1B registrations on behalf of a prospective petitioner, select this option. You will also be able to submit Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

3. Organizational account (formerly registrant account) – This is the account that a prospective petitioner must create in order participate in the H-1B registration process, regardless of whether the prospective petitioner will be using an attorney or accredited representative to submit the registration.

Avoid Duplicate Entries

A prospective petitioner may only have one registration submitted per beneficiary per fiscal year. Once the initial registration period has closed, if the prospective petitioner has more than one registration submitted for the same beneficiary, we may invalidate all registrations submitted for that beneficiary by that prospective petitioner, or their authorized attorney or representative, from the selection process. This does not prevent other prospective petitioners or their representatives from submitting registrations for that same beneficiary, but they too need to ensure that each of them, as a prospective petitioner, only has one registration submitted for the beneficiary.

We have added duplicate checker functionality to the electronic registration process.
Before you submit your registration(s), you can check if the registrant/prospective petitioner named in the draft submission previously submitted a registration for any of the beneficiaries included in that draft submission for the same fiscal year. Using this check does not guarantee that you will not submit a duplicate. This check will compare the beneficiaries listed in the draft with any registrations previously submitted during this registration period. It will not check for duplicates within that draft or between drafts. Even if using this check function, the burden is still on the registrant and their authorized attorney or representative, if applicable, to ensure that no duplicate registrations are submitted. To that end, we also provide a tool to download a .csv file and search for duplicate entries. Also, we recommend that attorneys and authorized individuals who work for the same company coordinate to eliminate duplicates before submitting their registrations.

If you discover you or your representative submitted more than one registration for the same person and the initial registration period is still open (before noon Eastern on March 25, 2024), you can go into your account and delete the extra submission(s) until there is only one registration for the beneficiary. We do not refund the fee if you delete a duplicate registration.

If you discover that you or your representative submitted more than one registration for the same person and the initial registration period has closed (after noon Eastern on March 25, 2024), there is no way to correct this error. We will remove all registrations submitted for the beneficiary by, or on behalf of, that prospective

petitioner from the selection process. We do not refund the fee for a removed registration.

Unfairly Increasing Chances of Selection

When you submit your registration(s), you must attest, under penalty of perjury, that all of the information contained in the submission is complete, true, and correct. The attestation that is required before submission indicates, “I further certify that this registration (or these registrations) reflects a legitimate job offer and that I, or the organization on whose behalf this registration (or these registrations) is being submitted, have 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.”

If we find that this attestation was not true and correct (for example, that a company worked with another entity to submit multiple registrations for the same beneficiary to unfairly increase chances of selection for that beneficiary), we will deny or revoke the petition based on a registration with a false attestation in accordance with the regulatory language at 8 CFR 214.2(h)(10)(ii) and 8 CFR 214.2(h)(11)(iii)(A)(2). Furthermore, we may also refer the individual or entity who submitted a false attestation to appropriate federal law enforcement agencies for investigation and further action as appropriate.

Required Fees

For information on fees, see Fee Schedule, Form G-1055.

Each registration is for a single beneficiary.

Registrants or their representative are required to pay the **non-refundable** H-1B registration fee for each beneficiary before being eligible to submit a registration for that beneficiary for the H-1B cap.

On Jan. 31, 2024, DHS published the Fee Schedule final rule. That rule will go into effect after the initial registration period for the FY 2025 H-1B cap. Therefore, the registration fee during the registration period starting in March 2024 will remain $10.

The U.S. Department of the Treasury has approved a temporary increase in the daily credit card transaction limit from $24,999.99 to $99,999.99 per day for H-1B registrations and petitions submitted **online** using one credit card for the FY 2025 H-1B cap season. This temporary increase is in response to stakeholder feedback and the volume of previous H-1B registrations that exceeded the daily credit card limit.

There is a daily transaction limit for credit cards of $24,999.99 per credit card per day for petitions that are sent by mail. Alternatively, you can:

- Process transactions using a checking account. The checking account information (routing and account number) must be from a financial institution located in the United States; or
- Process transactions using a debit card from a financial institution located in the United States.

Important Dates

H-1B Registration Process Timeline

Feb. 28: Petitioners and registrants can begin creating H-1B registrant accounts at noon Eastern.

March 6: H-1B registration period opens at noon Eastern.

March 25: H-1B registration period closes at noon Eastern.

March 31: Date by which USCIS intends to notify selected registrants.

April 1: The earliest date that FY 2025 H-1B cap-subject petitions based on the registrations selected during the initial FY 2025 selection period may be filed.

Registration Selection Notifications

We intend to notify registrants and their representatives with selected registrations via their USCIS online accounts.

A registrant's USCIS online account will show one of the following statuses for each registration:

- **Submitted:** The registration has been submitted and is eligible for selection. If the initial selection process has been completed, this registration remains eligible, unless subsequently invalidated, for selection in any subsequent selections for the fiscal year for which it was submitted.
- **Selected:** Selected to file an H-1B cap petition.
- **Not Selected:** Not selected – not eligible to file an H-1B cap petition based on this registration.

- **Denied:** Multiple registrations were submitted by or on behalf of the same registrant for the same beneficiary. If denied as a duplicate registration, all registrations submitted by or on behalf of the same registrant for this beneficiary for the fiscal year are invalid.
- **Invalidated-Failed Payment:** A registration was submitted but the payment method was declined, not reconciled, disputed, or otherwise invalid.

H-1B cap-subject beneficiaries, including those eligible for the advanced degree exemption, must have a valid "Selected" registration notification for that specific fiscal year in order for a registrant or representative to properly file an H-1B cap-subject petition. The status of registrations that are not selected as part of any initial random selection process, and not denied or invalidated, will remain as "Submitted." Registrants and representatives that are not selected will not be notified until after USCIS has determined that they have reached the H-1B cap for that fiscal year.

H-1B Electronic Registration Frequently Asked Questions

Q. Are there any changes to the H-1B electronic registration form for FY 2025?

A. The FY 2025 H-1B electronic registration form is very similar to past years. You still only need to provide basic information about the prospective petitioner and beneficiary.

One change this year is that we will require H-1B registrants to provide valid passport information or valid travel document information for each beneficiary. The passport or travel document provided must be the same as the beneficiary used to enter the United States; if or when they are outside the United States, it must be the document they intend to use to enter the United States if they receive an H-1B visa. Also, the passport or travel document's validity period must be current and unexpired. Each beneficiary must be registered under only 1 passport or travel document.

The passport or travel document must be valid at the time of registration. If the passport or travel document expires between when a registration is submitted and when the H-1B petition is filed, the petitioner should enter data from the new, currently valid passport or travel document on Page 3, Part 3 of Form I-129, Petition for Nonimmigrant Worker. In support of the H-1B petition, the petitioner should provide documentation for **both** passports or travel documents to establish that the passport or travel document was valid at the time of registration and an explanation as to why there was a change in identifying information.

In rare instances, such as for nationals of Venezuela, the passport or travel document may be past the expiration date listed on the document (i.e., facially expired) but may have had its validity extended by decree or automatically by the national government or issuing authority that issued the passport or travel document. In these unusual circumstances, we would consider those documents to be valid since they were extended by decree or automatically. Registrants should enter the expiration date of the passport or travel document based on the extension, rather than the date which appears in the passport itself. If an H-1B petition is filed based on such registration, USCIS will review the copy of the facially expired document along with any relevant information about the extension to ensure the information entered at registration was accurate.

Q. Is there an appeal process for registrations that USCIS finds are invalid duplicates?

A. Registrations that we find are duplicates will be invalid. A registrant will not be able to appeal our finding that the registrations are duplicates.

Q. If registering for the master's cap based on the expectation that the beneficiary will earn a qualifying advanced degree and the registration is selected under the master's cap, but the beneficiary does not obtain their qualifying advanced degree by the time of filing the cap-subject H-1B petition, is there a risk that USCIS will deny the cap-subject H-1B petition for that beneficiary?

A. If we select a registration under the advanced degree exemption (under INA 214(g)(5)(C)) because the beneficiary has earned, or will earn prior to the filing of the petition, a master's or higher degree from a U.S. institution of higher education, the beneficiary must be eligible for the advanced degree exemption at the time of filing Form I-129, Petition for a Nonimmigrant Worker. If we select the beneficiary under the advance degree exemption and the beneficiary has not earned a qualifying master's or higher degree from a U.S. institution of higher education at the time of filing the petition, we will deny or reject the petition.

Q. What happens if the prospective employer with a selected registration puts an address on their registration but moves before they file their I-129 petition, such that the addresses on their registration and Form I-129 don't match?

A. In such a situation, the petitioner should include a statement with their petition, with supporting documentation, explaining why the address on the registration differs from the address on the petition. If we cannot determine that the petitioning entity is the same as the prospective petitioner identified on the selected registration, we may reject or deny the petition.

Q. What start date should petitioners with a selected registration indicate on their Form I-129?

A. If we selected your registration, you must indicate a start date of Oct. 1 or later of the appropriate fiscal year (and 6 months or less from the receipt date of the petition) on your petition. If you do not, we will reject or deny your petition.

Q. If there is a typo on the registration in comparison to the Form I-129, will USCIS reject the Form I-129 petition?

A. Although we will not automatically reject the Form I-129 petition for typos on the selected registration in comparison with the Form I-129, the burden is on the registrant/petitioner to confirm that all registration and petition information is correct and to establish that the H-1B cap petition is based on a valid registration submitted for the beneficiary named in the petition and selected by USCIS.

Q. Will the H-1B registration system or the beneficiary-centric selection process affect how USCIS handles the prohibited filing of multiple H-1B petitions for the same beneficiary by related entities?

A. The prohibition on an employer or related entities filing multiple H-1B cap petitions for the same beneficiary has not changed. Our handling of multiple H-1B cap petitions is consistent with 8 CFR 214.2(h)(2)(i)(G) and Matter of S- Inc., Adopted Decision 2018-02 (AAO Mar. 23, 2018).

Q. Where should a petitioner with a selected registration file their Form I-129 and supporting documentation?

A. USCIS recently announced that, on April 1, 2024, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected. Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts.

For paper-filed forms, petitioners must file per the instructions on the H-1B registration selection notice, which may be different from the historical Form I-129 filing jurisdictions for cap cases. Please see our Direct Filing Addresses for Form I-129, Petition for a Nonimmigrant Worker webpage for information on the correct location at which to file your cap petition.

Q. What happens if a legal representative submits a registration but then stops representing the registrant?

A. It is up to the representative and registrant to ensure that the registrant maintains access to submissions made for them and any updates related to those

submissions. If a registrant no longer wants their attorney involved, they can end the relationship with the representative, and the registrant will still be able to see all registration information in their own organizational account(s). However, the registrant will not be able to add a new attorney or representative to H-1B registrations prepared or submitted by the previous attorney.

Q. Will the system prevent the representative and the registrant from both entering the same beneficiary?

A. The system will not prevent a representative and a registrant from both registering the same beneficiary. However, we added duplicate checker functionality to the electronic registration process. Before you submit your registration(s), you can check whether the registrant named in the draft submission previously submitted a registration for any of the beneficiaries included in that draft submission for the same fiscal year. Using this check does not guarantee that you will not submit a duplicate. This check will compare the beneficiaries listed in the draft with any registrations previously submitted during this registration period. It will not check for duplicates within that draft or between drafts. Even when using this check function, the representative and the registrant still are responsible for ensuring that they do not submit duplicate registrations. To help with that, we also offer a tool to download a .csv file and search for duplicate entries. In addition, we recommend that attorneys and authorized individuals who work for the same company communicate among themselves to eliminate duplicates before submitting their registrations.

Q. I am a legal representative submitting the H-1B registration online, and the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, asks if I have an online account and what my account number is. How do I find it?

A. If you have paper-filed cases that are eligible to be added to your online account, your USCIS notices for those cases should include your online account number. If you do not know your account number, this will not affect your H-1B registration. You can click “No” to this question and move on to the next question.

Q. Will both the attorney and the client (prospective registrant) need to create a USCIS online account for the H-1B electronic registration process?

A. Yes. Both the client (prospective registrant) and attorney will need a USCIS online account for the H-1B electronic registration process. If you are an attorney and already have an existing legal representative account, your account will work with the H-1B electronic registration process. You do not need to create a new legal representative account unless you do not have one.

All clients (prospective registrants) will need to create an H-1B organizational account to review and approve the Form G-28 and H-1B registrations as part of the electronic registration process.

Q. As a registrant, can I delete my account?

A. See the Tips for Filing Forms Online webpage for information on how to delete your account.

Q. Does a duplicate registration in a submission batch affect all registrations in the batch or only the duplicate registration?

A. We would invalidate only the duplicate registrations. If you properly submitted other registrations for different beneficiaries, these valid registrations would remain in the system for the selection process. You have until the initial registration period closes, to log into your account, review all of your H-1B registrations, and delete any duplicate registrations. This is also true if one of the registrations submitted in a batch contains an error. You would be able to delete the registration for the beneficiary that contained the error without affecting the rest of the batch submission.

Q. As a legal representative, how will I know that the registrant has gone into the system and approved my Form G-28 and the H-1B registrations?

A. You can log into your account to check if the registrant has approved the Form G-28 and the H-1B registrations. Our system will not separately notify you that the registrant has approved the Form G-28 and H-1B registrations.

Q. After the legal representative submits a registration, will the registrant be notified via email or by logging into their account?

A. The legal representative will need to notify the registrant that the registration and Form G-28 were entered for the registrant's review; or the registrant can see the registrations and Form G-28 by logging into their account. Our system will not separately notify the registrant.

Q. Can an attorney represent a petitioner for an I-129 petition if the petitioner completed the H-1B electronic registration process without the help of the attorney?

A. Yes. However, to authorize their representation, the attorney would need to file a Form G-28 with the Form I-129 H-1B petition. Even if the attorney submitted a Form G-28 to represent a registrant for the registration process, they would still need to submit a new Form G-28 with the Form I-129 petition.

Q. How do I reset the password for my USCIS account or get technical support?

A. To reset your password, please visit the Forgot Your Password page on our website. To review the steps on how to create an online account, sign into your account, or complete an H-1B registration with USCIS, please see the "How to Register" tab above. If you need other technical support, please call the USCIS Contact Center at 800-375-5283. You may also use our online form, but you will get faster service by calling.

Q. What is the earliest date I can start drafting registrations?

A. March 6, 2024, at noon Eastern.

Q. Will the system allow for multiple staff members to log into my account at the same time?

A. No. You must agree to the Terms of Use, which include an attestation that you are the person that holds the account and that you will not share your account with others or allow others to use your account.

However, on Feb. 28, 2024, USCIS will launch new myUSCIS organizational accounts that will allow multiple people within an organization and their legal representatives to collaborate on and prepare H-1B registrations, H-1B petitions, and any associated Form I-907.

Q. How should a registrant with a selected registration notify USCIS if they do not intend to file a petition?

A. Since no H-1B petition will be filed, we will have no paper file that we can use to match the notification with the registration. We suggest that the employer keep documentation of the reason for not filing, so that the employer would be able to show us the documentation if we have questions.

Q. If a registration is selected and the petition is filed during the 90-day period, but it is rejected, will a petitioner be eligible to refile if they are still within the 90-day window?

A. A petitioner is eligible to refile their rejected petition as long as it is refiled within the designated 90-day filing window. The petitioner must file their petition at the correct location and must include all required fees and supporting evidence with the filing.

Q. Will USCIS invalidate registrations as duplicates if the same representative submits two registrations for the same beneficiary, but for two unrelated companies?

A. No. We would not consider such registrations duplicates. However, we will consider registrations as duplicates if the registrations are for the same prospective petitioners and the same prospective beneficiaries.

Furthermore, we would consider a registration to not be properly submitted if it contained an attestation that was not true and correct (for example, that a company worked with another entity to submit multiple registrations for the same beneficiary to unfairly increase chances of selection for that beneficiary). For more information, please see the “Unfairly Increasing Chances of Selection” tab above.

Q. If one person is the authorized signatory for two separate companies, could this person use their email with different domain names to set up a registrant account and submit registrations for the two companies?

A. Yes, they may. They will need two separate accounts, one for each company. They will also need a separate email address for each account.

Q. What happens to my registration submission if the payment fails to initially go through?

A. If your payment initially fails or is canceled before it can be processed on Pay.gov, you will see a payment failure notification on the screen and your registration will not be submitted. Your registration data will be available in your account for 30 days from the date you last worked on your registrations. You can sign-in to your account at any time before the initial registration period closes to try the payment and registration submission again. You must submit all registrations and payments successfully before the initial registration period closes for consideration in the initial registration period selection process

Q. What happens if my payment initially clears, but then fails (for example, payment is made using an electronic check that my bank then returns)?

A. It is your responsibility to submit valid payment.

When paying by check, please be sure to enter the bank routing number and bank account number accurately. While the status of the registration in the system will indicate “submitted” following completion of the Pay.gov payment process, the submission will only be valid once your payment clears. If your checking information is not accurate, your payment will be declined when presented to your financial institution. If your payment is declined, your H-1B registration will be invalidated.

If payment is completed with a credit card or debit card, the status of the registration in the system will indicate “submitted” following completion of the Pay.gov payment process. The submission, however, will only be valid once processing of the payment is completed. If the payment is later declined, not reconciled, disputed, or otherwise invalidated after submission, the registration will be invalidated.

If your payment fails, we will attempt to notify you, but the burden will be on you to determine the status of your required payment. If your registration is invalidated while the registration period is still open, you will be able to submit a new registration with a valid payment. If your registration is invalidated due to a failed payment after the registration period closes, you will not be able to submit a new registration.

Q. May an authorized signatory within the company, who is different from the authorized signatory who signed the H-1B electronic registration, sign the paper Form I-129?

A. Yes. The authorized signatory who signed the registration does not need to be the same authorized signatory who signs the Form I-129. However, the prospective petitioner (registrant) at the registration stage must match the petitioner at the Form I-129 stage.

Q. What time zone does the H-1B registration system and Form I-129 petitions submitted online use?

A. H-1B registrations and Forms I-129 that are submitted online via myUSCIS will reflect a filing time based on Coordinated Universal Time (UTC).

For Form I-129 petitions submitted online, the receipt date will be based on UTC, not the local time of the submitter or the service center that will ultimately work the petition. This may result in a later receipt date than anticipated if filing late in the day. Please verify that any filings are submitted on time to ensure that there are no adverse impacts to eligibility.

Q. I indicated on a registration that a beneficiary was not eligible for the master's cap, but their selection notice indicates they were selected in the master's cap. Is this an error on the selection notice?

A. First, you should verify your indication on the registration regarding the beneficiary 's eligibility for consideration in the master's cap.

However, even if you did not indicate the beneficiary was eligible for consideration in the master's cap, they may still have been properly considered in the master's cap. The beneficiary would have been entered into the master's cap selection process if they had another registration submitted on their behalf that indicated they were eligible for consideration in the master's cap. Because of the beneficiary-centric selection process, all registrations submitted for that beneficiary are selected if the beneficiary is selected. Accordingly, if the beneficiary was selected in the master's cap, all registrations would indicate that selection, even if a particular registration did not indicate eligibility for the master's cap.

Based on DHS regulations, the general cap selection is conducted first by selecting beneficiaries from among all properly submitted registrations, including those eligible

for the advanced degree exemption. Then the master's cap selection is conducted. Accordingly, any beneficiary selected in the initial master's cap selection was not selected in the initial general cap selection.

You are still eligible to file a petition based on this selected registration during the applicable filing period. However, you would need to establish the beneficiary's eligibility for the master's cap as of the time of filing the Form I-129 petition.

Organizational Accounts Frequently Asked Questions

ALERT: USCIS has extended the initial registration period for the fiscal year (FY) 2025 H-1B cap. The initial registration period, which opened at noon Eastern on March 6, 2024, and was originally scheduled to run through noon Eastern on March 22, will now run through noon Eastern on March 25, 2024. USCIS is aware of a temporary system outage experienced by some registrants, and is extending the registration period to provide additional time due to this issue. Read more here: USCIS Extends Initial Registration Period for FY 2025 H-1B Cap.

On Feb. 28, 2024, USCIS officially launched new organizational accounts that will allow multiple people within a company or organization to collaborate and prepare H-1B registrations, H-1B petitions, and associated requests for premium processing. Note that a new organizational account is required to participate in the H-1B Electronic Registration Process starting in March 2024.

- If you are an H-1B petitioning employer and you have never created a USCIS online account, please visit myUSCIS and follow the instructions to create an organizational account.
- If you are an H-1B petitioning employer and you already have an H-1B registrant account from previous H-1B registration seasons, your old registrant account will migrate to a new organizational account when you log into your account and initiate this process on or after Feb. 14, 2024. Please be aware that it may take several hours for full migration of your registrant account to occur.
- If you are an attorney or accredited representative and you already have a Legal Representative account, your old account will migrate to a new and enhanced Legal Representative account when you log into your myUSCIS account and initiate this process on or after Feb. 14, 2024. Please be aware that it may take several hours for full migration of your online account to occur. In some instances, where a Legal Representative account includes a large volume of cases, this migration could take more than a day.

We are working expeditiously to address any technical issues experienced by some attorneys and legal representatives whose accounts migrated when they logged into their myUSCIS account on or after Feb. 14, 2024, including cases other than H-1B filings. If you previously experienced issues after the migration, please log back in to see if your issues have been resolved by our ongoing technical improvements.

If you need help with…	**Then…**
Filing delays due to system downtime	Send an email to USCISFeedback@uscis.dhs.gov
Creating a myUSCIS Online Account	Visit our USCIS Online Account page
Resetting your password or unlocking your account	Use our USCIS Online Account Help Tool
Operational issues arising from technical challenges, including but not limited to inability to file or respond in a timely manner	Send an email to USCISFeedback@uscis.dhs.gov
Clarification on policy, form instructions, and duplicate registrations	Send an email to USCISFeedback@uscis.dhs.gov

If you have questions about…	**Then…**
Finding general H-1B information	Visit our H-1B Specialty Occupations page

Finding H-1B Electronic Registration Process information	Visit our H-1B Electronic Registration Process page
Finding how-to setup your account guides presented during engagements or Tech Talks	Visit our Electronic Reading Room and in particular these materials
Finding step-by-step demonstration videos	Visit our YouTube channel and in particular these videos
Upcoming national engagements	Visit our Upcoming National Engagements page
Suggesting topics for future Tech Talks or topics for future engagements on USCIS organizational accounts	Send an email to myUSCISoutreach@uscis.dhs.gov

How did USCIS determine what enhancements should be made to the online accounts for the H-1B electronic registration and online filing processes?

USCIS conducted usability testing on the organizational accounts with individuals who serve a variety of roles in the H-1B registration and petition filing processes, including employers, human resources personnel, attorneys, and paralegals. The goal of these sessions was to gather feedback that would make the new account experience easier to understand and use. The feedback received resulted in enhancements to content and improvements in interactions and functionality throughout the organizational accounts. We will continue to seek feedback from organizational accounts users and release enhancements to the experience in the future.

When will the new organizational accounts be available for use?

As announced on Jan. 30, 2024, we will launch organizational accounts on Feb. 28, 2024.

If I have an existing applicant account, do I have to create an organizational account? What happens to my old account? Do I need to use a new email address to set up the organizational account?

To submit H-1B registrations, Form I-129 petitions, or Form I-907 requests for premium processing on the enhanced account platform, you have to use a registrant account. If you have an existing H-1B registrant account, you will not need to create a new account to use the organizational account features. If your organization selects you to be an Administrator and asks you to create a Company Group, after organizational accounts go live on Feb. 28, you can log in and choose “Create a Company Group” from the options and upgrade your H-1B registrant account to use the organizational account features.

However, if you only have an applicant account, this applicant account type will not work for the H-1B electronic registration process. You will need to create a new online account with new access credentials.

How can I prepare for the new organizational accounts now?

Prospective petitioning companies need to decide who will be the Administrator for the company or organization.

- The Administrator is the person who will oversee a Company Group and collaborate with legal representatives. This person should be someone who has the authority to sign, pay for, and submit registrations and petitions on behalf of the company.
- If you will have more than one Administrator in a Company Group, decide which Administrator will set up the Company Group.
- If a legal representative will be working on behalf of the organization, decide if they or an Administrator chosen by your company will initiate the Company Group. The result is the same—a Company Group will be created—but deciding in advance who sets up the Company Group will help avoid time-consuming mistakes.
- If USCIS issues a Request for Evidence (RFE) or Notice of Intent to Deny (NOID), the person who responds will have only one opportunity to respond to the RFE or NOID online. Therefore, it is important you coordinate ahead of time to determine who will have primary responsibility for responding to RFEs or NOIDs – the Administrator or the Legal Representative.
- If your organization wants to create multiple groups, you will need to choose an Administrator for each group, and the first bullet above applies.

How can I learn more about these new changes leading up to the FY 2025 H-1B cap season?

We are hosting 2 additional national engagements leading up to the H-1B cap season and launching USCIS Tech Talks sessions in February to help guide organizations and legal representatives through the new process. During these sessions, individuals will have the opportunity to ask questions about the organizational accounts and online filing of Form I-129 for H-1B petitions. We

encourage all individuals involved in the H-1B registration and petition filing process to attend these sessions. Additional information and dates are available on the Upcoming National Engagements page.

All presentations on organizational accounts will be posted to our Electronic Reading Room, and we will also be posting helpful videos on our USCIS YouTube channel.

Visit our Contact Public Engagement page to subscribe to notifications about upcoming engagements.

What if I choose the wrong account type when I am creating a USCIS online account? Will I be able to change it to the correct account type later?

No. You will not be able to switch to a different account type yourself after you create an account. Please choose the correct account type— Organizational or Legal Representative, as applicable—when you create your online account. Only these 2 account types will work with the H-1B electronic registration process. If you choose the wrong account type, you may use a new email address to create a new USCIS online account and choose the correct account type. Alternatively, there are a few limited instances where the organizational or legal representative account may be deleted. Please see the steps outlined in the Tips for Filing Forms Online page to see if your account qualifies.

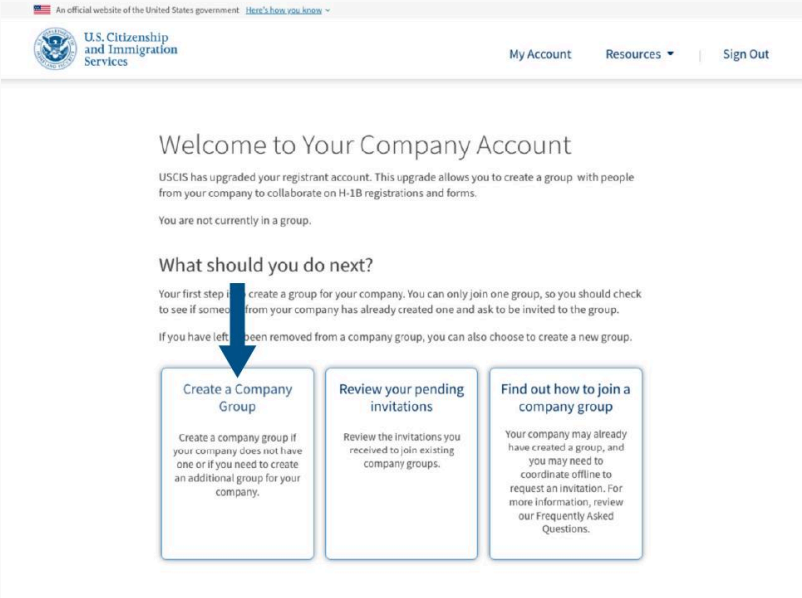
What are the new roles and permissions?

This infographic explains the permissions of the Administrator, Member, Representative, and Paralegal in the organizational accounts setting.

Can I submit H-1B electronic registrations the same way I did in the past?

Organizational accounts offer flexibility in how you set up your Company Group. If you would like to submit H-1B registrations the way you did it in the past, follow these steps:

- Wait for your company to designate you as an Administrator.
- Then, log in to your existing H-1B registrant account.
- When you get to the new company onboarding page, choose “Create a Company Group.” (see below)



- After you create a Company Group, you will be the only person in the group.
- You can stay alone in your group if you want to. This resembles how you completed H-1B registrations in the past.
- At any point, you have the ability to invite colleagues to join your Company Group as either Members or as another Administrator and invite a legal representative to collaborate with you.

I have not filed a form with USCIS online. How do I learn how the process works?
We plan on covering online filing in our upcoming USCIS Tech Talks and will be hosting a national engagement covering online filing of Form I-129 and Form I-907 in March. Additional information and dates are available on the Upcoming National Engagements page.

You can also learn more about filing online by visiting our File Online page.

Can I submit online applications for H-4 dependents concurrently with an online Form I-129 for the principal H-1B prospective employee?
No, not at this time. If you want to concurrently file Form I-539 for H-4 dependents with Form I-129 for the H-1 principal, you must file by paper.

To ensure a paper form for a dependent is correctly associated with a Form I-129 submitted online for the principal H-1B beneficiary, submit the Form I-129 first, and then submit the paper Form I-539 and Form I-765, as applicable, with a printed copy of the online-filed Form I-129 receipt notice. Please note that these forms will not be considered concurrently filed with Form I-129 and may be adjudicated at different times.

What new online account enhancements will be available for the fiscal year (FY) 2025 H-1B electronic registration and online filing processes?

On Jan. 12, 2024, USCIS announced the following upcoming enhancements for the FY 2025 H-1B cap season:

- Organizational accounts that will allow multiple individuals within an organization, such as a company or other entity, and their legal representatives to collaborate on H-1B registrations, Form I-129, Petition for a Nonimmigrant Worker, and associated Form I-907, Request for Premium Processing Service.
- Online filing of Form I-129 H-1B petitions, as well as online filing of Form I-907 premium processing requests for a Form I-129 H-1B petition.
- The ability for legal representatives to invite paralegals to help prepare H-1B registrations and petition drafts.
- New and improved design, efficient process flows, and case management features for account holders.

Can I submit Form I-907 to request premium processing for a Form I-129 I submitted online?

Yes. You may concurrently file Form I-907 online with a Form I-129 H-1B petition.

You may also submit Form I-907 after the Form I-129 is submitted and filed. If you want to request an upgrade to premium processing service for a Form I-129 petition after the filing is accepted for processing, you need to submit Form I-907 using the same filing method used to file the Form I-129.

- If you submitted Form I-129 online, you need to submit Form I-907 online, and you will need to provide the Form I-129 receipt number.
- If you submitted Form I-129 on paper, you need to submit a paper Form I-907, and you will need to provide the Form I-129 receipt number.

Can I still file paper forms?

Yes, you will continue to have the option to file a paper Form I-129 H-1B petition and any associated Form I-907 if you prefer. However, during the initial launch of organizational accounts, you will not be able to link a paper-filed Form I-129 or Form I-907 to an online account.

Are processing times for online-filed cases faster than paper-filed cases?

No. Our adjudication processes for online-filed and paper-filed cases are the same so there is no difference in processing times. However, online filing has time-saving features not related to our internal workflows:

- If you submit the form online, the filing will get to us faster because you will avoid the time needed for the U.S. Postal Service or other carrier to deliver the filing.
- The filing will not be subject to standard file creation steps in our lockbox facilities.
- You will not have to wait for the U.S. Postal Service to deliver a hard copy of the receipt notice in the mail.
- Additionally, you can receive and respond to RFEs and NOIDs faster through a USCIS online account.

If I file Form I-129 or an associated Form I-907 by paper, can I link it to my USCIS online account?

No, paper-filed Forms I-129 and Forms I-907 cannot be linked to an online account at this time. This functionality is being planned for future releases.

Please note that we are changing the filing locations for paper Form I-129 H-1B petitions and Form I-907 requests from USCIS service centers to USCIS lockboxes. Do not use the mailing addresses you used in the past. The new filing location addresses will be announced in March.

Will a company's different groups be linked because they use the same EIN?

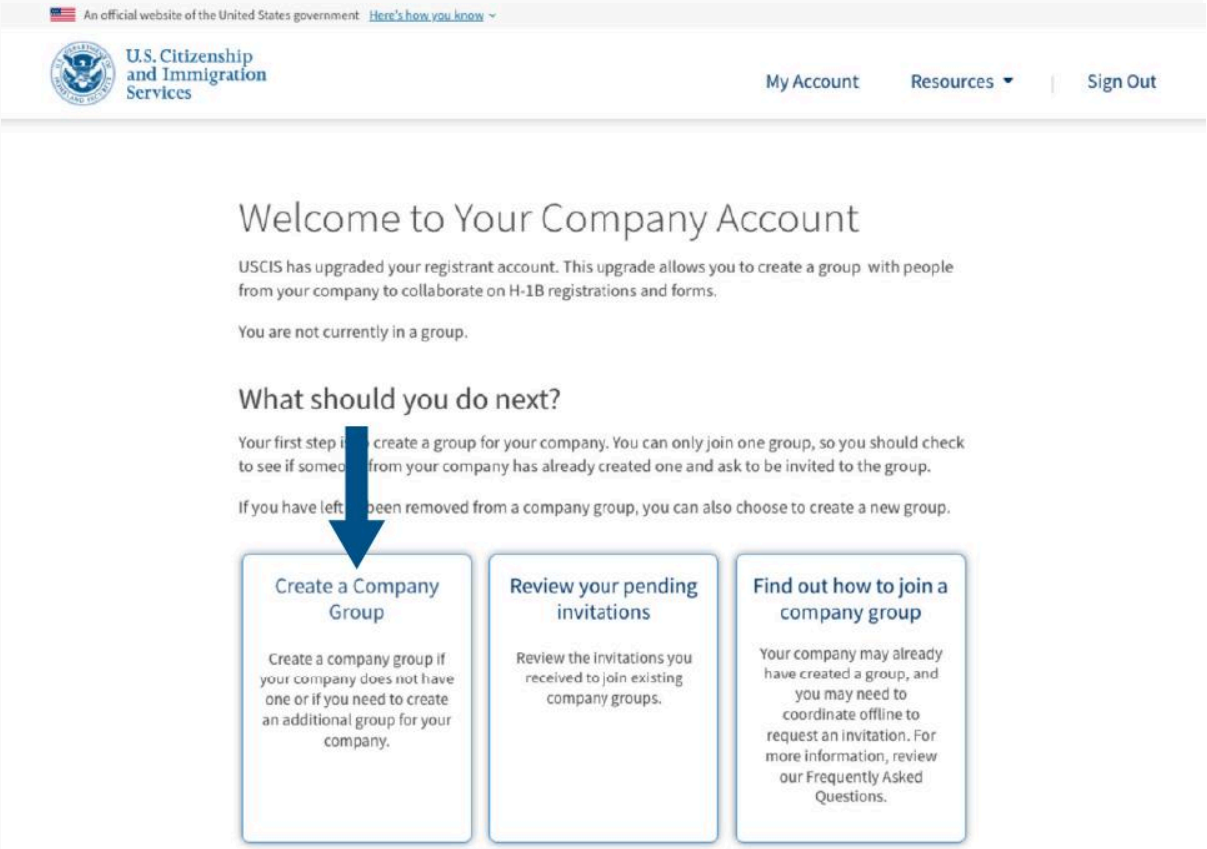
No. Each Company Group is separate. Someone in Company Group “A” will not be able to see what happens in Company Group “B,” even if those 2 Company Groups represent the same company with the same EIN.

Can the beneficiary be invited to join a Company Group?

There is nothing preventing you from inviting a beneficiary to join a Company Group. However, there is currently no Beneficiary role in the Company Group. Additionally, companies should keep in mind that anyone in the Company Group can see and edit all H-1B registrations and Form I-129 petitions. Organizations may wish to avoid the inappropriate sharing of personal information with unauthorized individuals and reserve inclusion and collaboration in the Company Group for company employees.

I have an H-1B registrant account from previous seasons and was asked by my company to be an Administrator and set up a Company Group. What do I need to do?

The steps are easy and intuitive. If your organization designates you to be an Administrator and wants you to set up a Company Group, you will sign into your existing H-1B registrant account at my.uscis.gov. You will see a new company onboarding page after you log in. You should choose the first box, Create a Company Group.

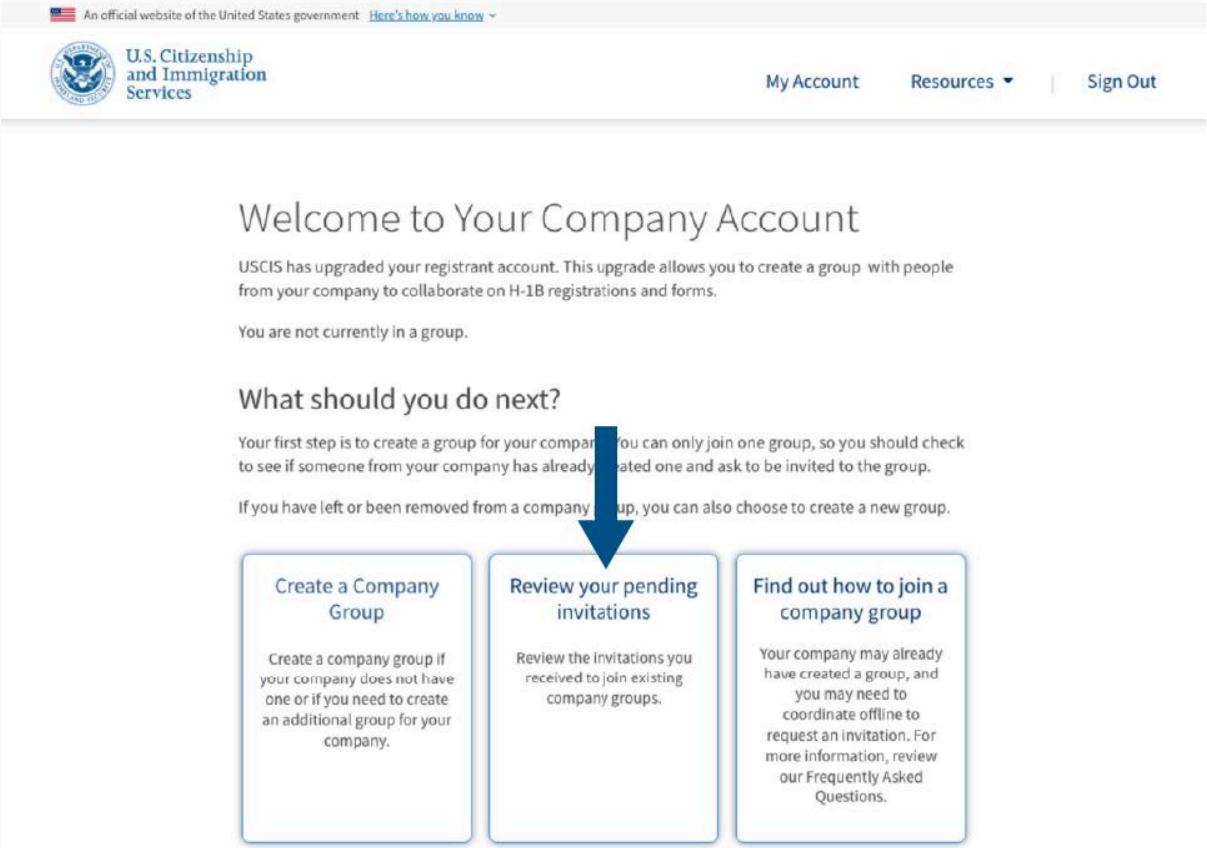


Follow the prompts to enter information about your company and yourself. You will need to enter an Employer Identification Number (EIN), Social Security number (SSN), or Individual Taxpayer Identification Number (ITIN) to create a Company Group. After three screens, you will see a welcome banner indicating you have created a Company Group. These steps take about 3 minutes. At this point you will be on the enhanced platform with the role of Administrator. Once you have completed these steps, the Company Group cannot be deleted or undone.

Because you are an Administrator, you can invite coworkers to join your group as either Administrators or Members. You can also invite one or more Legal Representatives to collaborate.

I have an H-1B registrant account from previous seasons, but I was not designated to be an Administrator responsible for setting up a Company Group. What do I need to do?
You need to wait for an invitation. If you already have an H-1B registrant account but were not designated as an Administrator responsible for setting up the Company Group, an Administrator chosen by your organization may invite you to their Company Group by sending an invitation to the appropriate email address. You could be invited as an Administrator or Member. You need to wait to receive the invitation, which will have a link to join the group.

When you log in, you will come to the company onboarding page shown below. Choose the second box, “Review your pending invitations.”

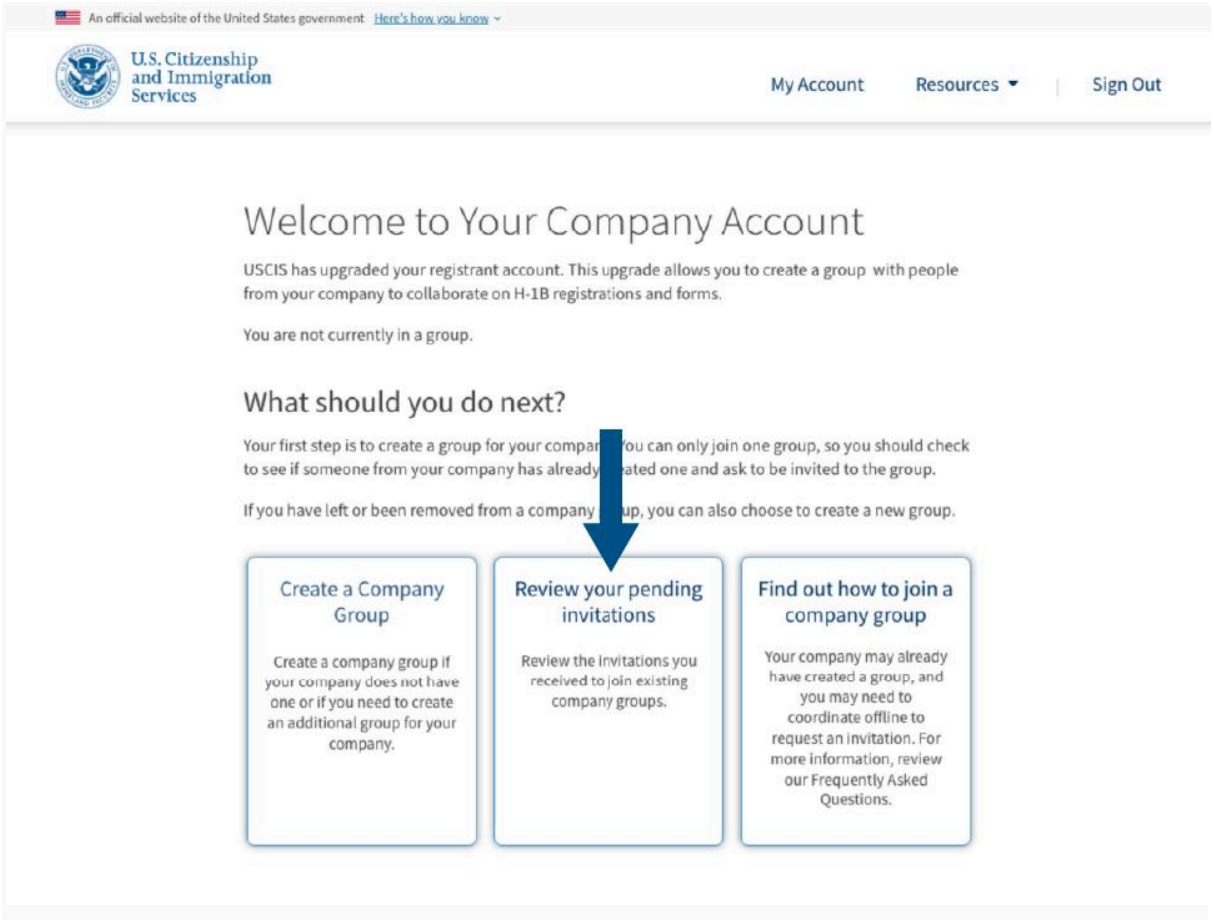


How do I build a Company Group?

If you are an Administrator and you created a Company Group, you can invite other people to your group. You can build the group to meet your needs. There are a few things to consider:

- When you invite someone to your group, you need to assign them a role. The 2 roles are Administrator or Member. (NOTE: These roles are separate from the Legal Representative role explained below.) Please see the Organizational Account Roles and Permissions infographic in the beginning of these FAQs for a description of what each role can do.
- You can have as few or as many Administrators and Members as you want, but each person can only be in one Company Group at a time.
- Each person is invited using the unique email address associated with their online account. Individuals cannot have more than one online account using the same email address.
- Invitations expire in 7 calendar days.
- At this time, invitations cannot be declined or withdrawn. If someone receives an invitation and thinks it may have been sent in error, they need to simply let it expire.

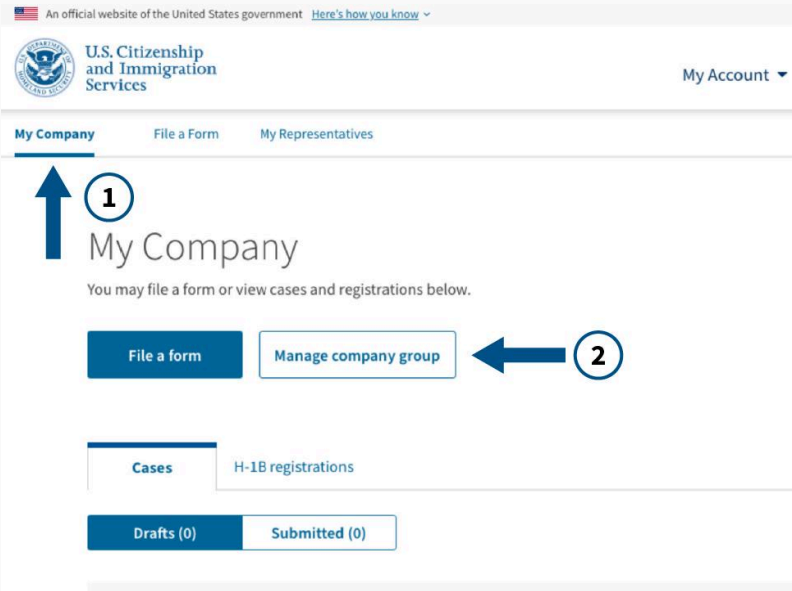
- If the person you invite has an existing H-1B registrant account, they will click on the link in your invitation and follow the prompts. When they come to the company onboarding page (shown below), they need to choose the second box, “Review your pending invitations.” When they are done, they will have the role you assigned them.

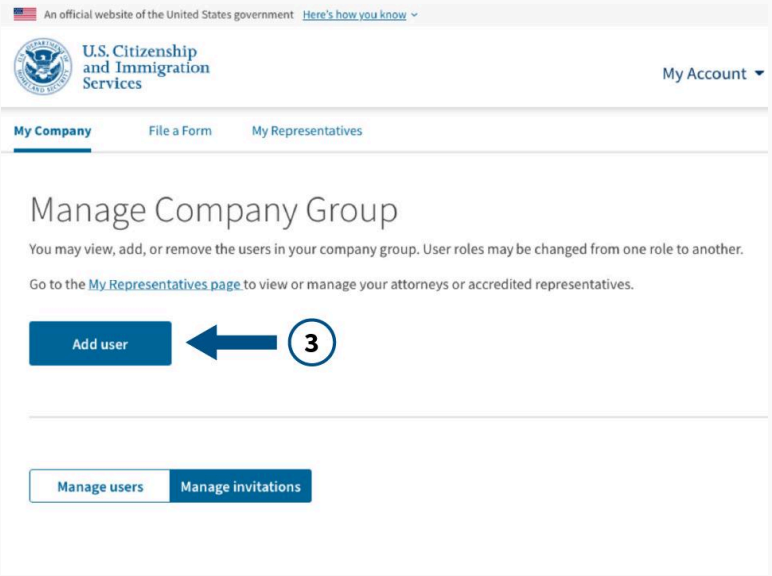


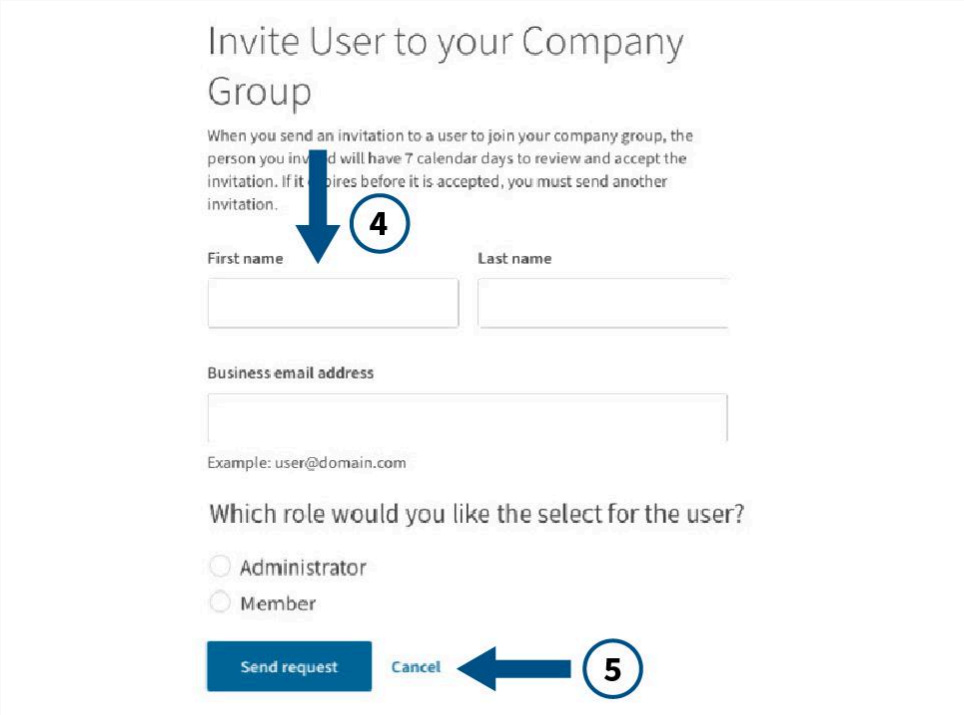
- If the person you invite does not have an existing H-1B registrant account, they will click on the link in your invitation, create a new account, and choose the Organizational Account type. When they come to the company onboarding page, they also will need to choose the second box, “Review your pending invitations.” When they are done, they will have the role you assigned them.
- If the person you invite is already part of a Company Group, and you invite them using the email address associated with their online account, you will receive an error message. The person you invited should coordinate offline with their Administrator to be removed from that Company Group so you can invite them to yours.
- We encourage having at least 2 Administrators in every Company Group. This way you have a backup who can perform Administrator functions.

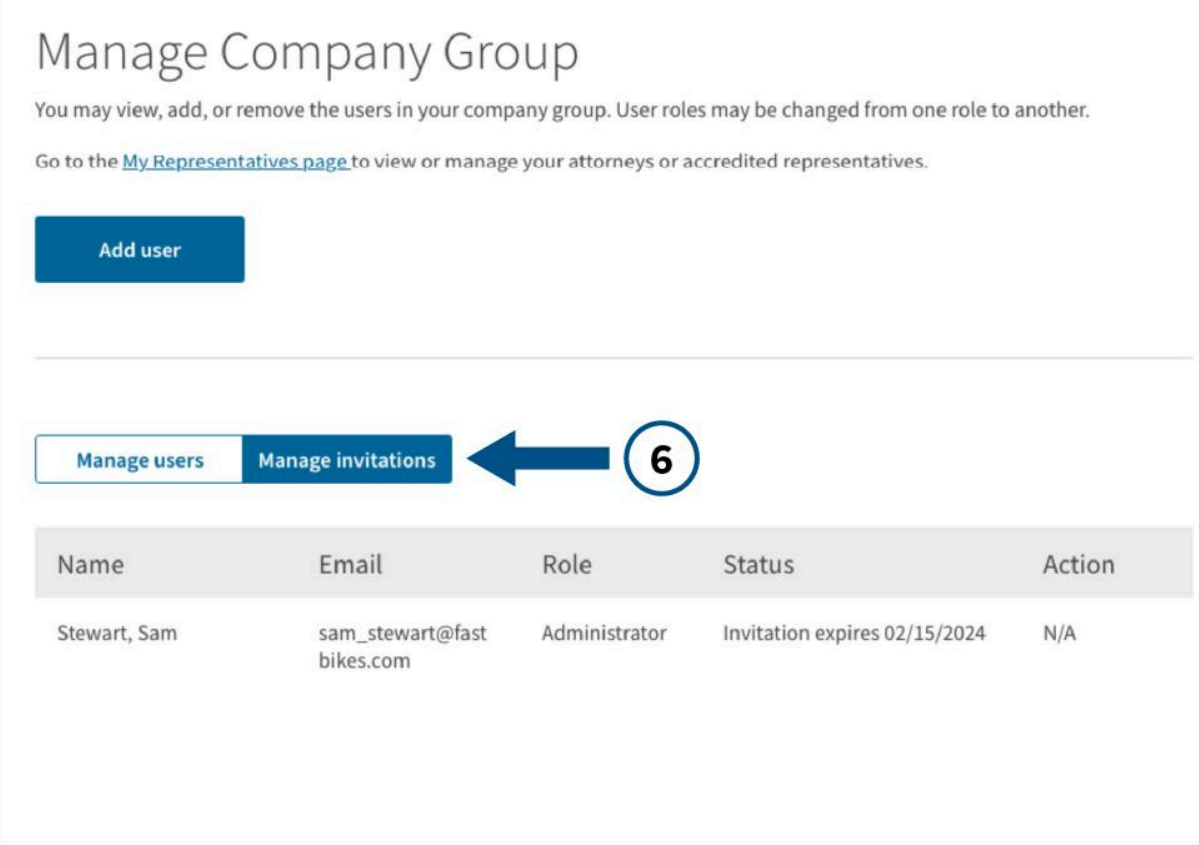
To add people to your Company Group:

1. Go to the “My Company” tab on the top of your homepage.
2. Choose “Manage Company Group.”
3. Choose “Add user.”
4. Enter the person’s name and email address and select their role.
5. Click "Send request."
6. You can then track the status of your invitation under “Manage invitations.”





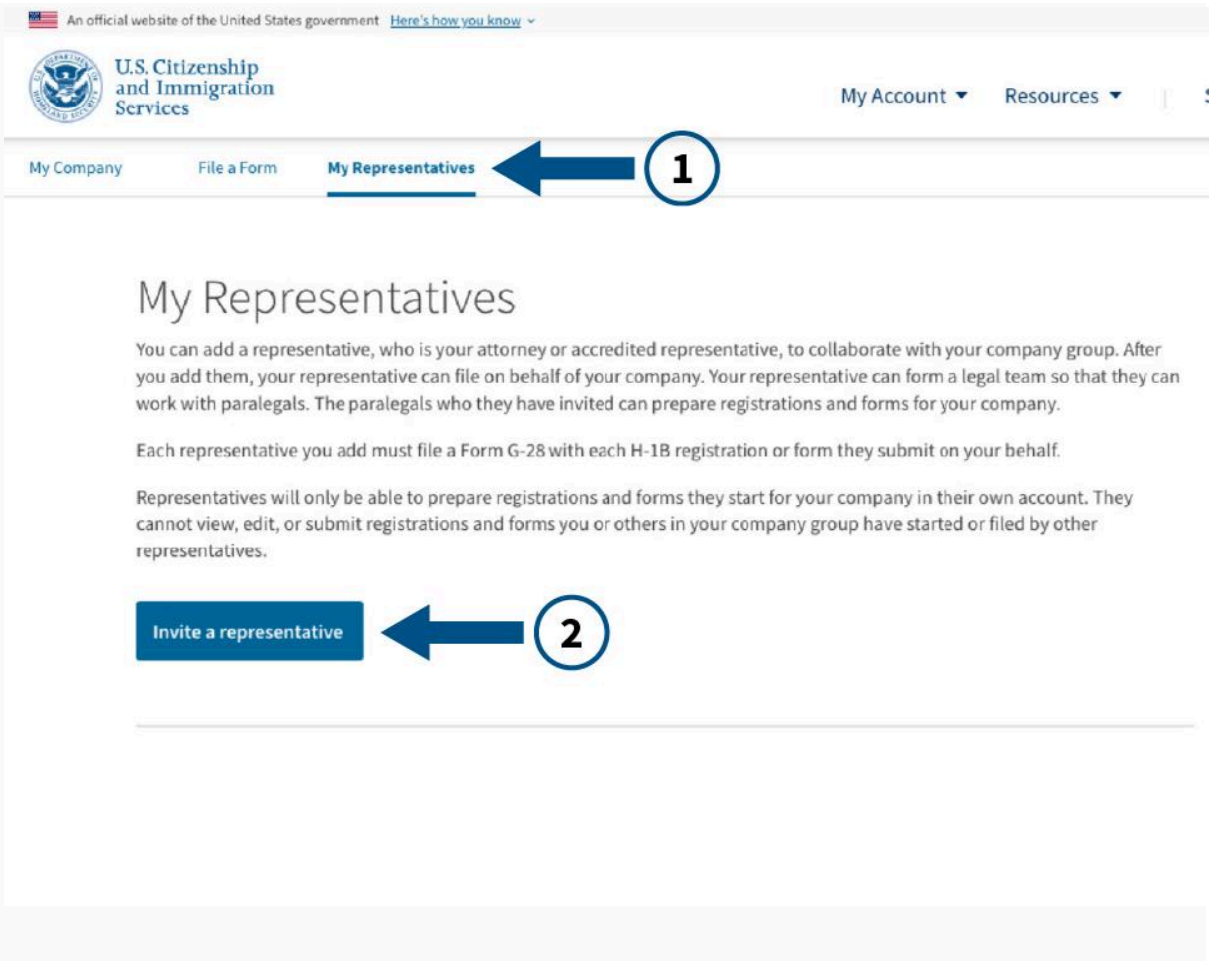




How do I invite a legal representative to collaborate with my Company Group?
For H-1B filings, we simplified how you work with a legal representative by replacing the representative passcode process with an invitation.

To invite a Representative to collaborate:

1. Go to the “My Representatives” tab at the top of your home page.
2. Select “Add a representative.”
3. Enter their name and email address.
4. Choose “Send invitation.”



What can an Administrator do in the organizational account setting?

- An Administrator has broad permissions to start, edit, delete, sign, pay for, and submit H-1B registrations and Form I-129 H-1B petitions, respond to RFEs and NOIDs, add and remove people in a Company Group, and modify roles.
- The only functions Administrators cannot perform are submitting Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, and setting up the Legal Team. Both of those functions are performed by the Representative.
- At least one Administrator in a Company Group must be the person whose name and electronic signature will appear on submitted H-1B registrations and Form I-129 H-1B petitions.
- Administrators should coordinate with their Representative about who should respond to RFEs or NOIDs, if they receive one. Companies may prefer to have the representative respond to RFEs and NOIDs.
- An Administrator can submit H-1B registrations and petitions with or without a representative.

Can I add a Representative to my case after it is already submitted?

A Representative can submit a standalone Form G-28 online for a Form I-129 that was submitted online by the company. This can occur with or without Form I-907.

If a company submitted a paper Form I-129, a Representative would need to submit a standalone paper Form G-28 to become the recognized Representative.

Can I be in more than one Company Group?

Your email address can only be used one time to create an account. This prevents you from using your account in more than one Company Group.

What should we do if an Administrator leaves the company?

We strongly recommend that every Company Group have at least 2 Administrators so you have a backup of this role. This way, if an Administrator leaves the company or is unavailable, someone else has the same permissions and can serve as Administrator.

If you have only 1 Administrator and that person is about to leave the company, before they leave, they should invite another person to their Company Group and assign that person the role of Administrator. Then the second Administrator can remove the first Administrator when they leave the company.

If your only Administrator leaves your company before they invite a second person to be an Administrator, this could lock you out of access to the cases in the collaboration space because the Company Group is associated with the sole Administrator's online account.

Can a large company create Company Groups for each of their sub-entities with different EIN numbers?

Yes, each sub-entity with a different EIN could be its own Company Group.

Do Company Groups need to be EIN-specific?

No, Company Groups do not need to be EIN-specific, but they could be. People from multiple entities with different EINs can join the same Company Group. However, the person who is the Administrator over that Company Group must have the authority to sign for, pay for, and submit registrations and forms for each entity.

Can Paralegals be on more than one Legal Team?

During the initial launch of organizational accounts, a Paralegal's unique online account can only be associated with one Legal Team at a time. Based on feedback we received, we understand that many firms have Paralegals who support multiple attorneys. For this reason, we will consider enhancements for future releases.

Can we use our third-party case management software to prepare forms using the myUSCIS online platform?

At this time, we do not have an application programming interface that allows you to use third-party software to complete forms using the myUSCIS online platform. For more information on available application programming interfaces, please visit developer.uscis.gov.

How should we set up the Legal Team if multiple attorneys in our law firm submit cases for the same employer? Can a Company Group collaborate with more than 1 Legal Team?
Company Groups can collaborate with more than 1 Legal Team, whether the Representatives are in the same law firm or different law firms.

Suppose your law firm has 5 attorneys who submit H-1B filings for the same company. The Administrator over the Company Group could invite each of the 5 attorneys to collaborate by sending individual invitations. This would result in collaborating with 5 different Legal Teams. Alternatively, each Representative could send an invitation to collaborate to the Administrator. This also would result in collaborating with 5 Legal Teams.

One important thing to remember is that each Legal Team will not be able to see the work performed by other Legal Teams.

Can a Legal Team prepare and submit H-1B petitions without the client needing to create an online account?
No. If you plan to file H-1B registrations and Form I-129 H-1B petitions online on behalf of your company client, you must either:

- Add your company client to your Representative online account, which will send an invitation to the client to collaborate; or
- Your Company Administrator client must add you as a Representative, which will send an invitation to you to collaborate with the company group.

The invitation process replaces the previous representative passcode exchange that was used to connect representative and applicant accounts to support representative-client collaboration.

How does a company change Representatives after registrations or forms have been submitted by another Representative?
The Administrator needs to withdraw the Form G-28 from all cases that the original Representative is associated with. Then, in the My Representatives tab, the Administrator can remove the Representative entirely from their Company Group, if they wish. The Administrator will then add a new Representative by selecting, “Add a Representative.” The new Representative will need to submit a standalone Form G-28 for each and every existing case on which they will represent the organization.

Even though the Representative cannot work on any H-1B registrations started by the company, will they be able to see if the company has prepared or submitted any registrations, to avoid duplicate submissions?
No. If anyone in the Company Group begins a registration or form, the Legal Team will not be able to view it, access it, edit it, or submit it. The company should use our duplicate checker and coordinate offline to ensure you do not submit duplicate registrations.

When the Representative is notified that a form is ready for review, does the message identify the company and beneficiary name?

The message will let the Representative know which company has a draft form ready for review, but they will not see the beneficiary's name until they open the draft and look at it.

Will an invited Legal Team be able to retrieve electronic registration selection notices and file Form I-129 H-1B petitions online for selected beneficiaries based on a registration prepared by the employer?

Any Legal Team can prepare online Form I-129 H-1B petitions for selected beneficiaries on behalf of a company client. However, only the Legal Team that prepared and submitted the H-1B registration for the selected beneficiary will be able to see the selection notice (if they are still the attorney of record for that company client with a submitted Form G-28). If a new Legal Team is invited to collaborate after H-1B registration selection notices are sent out, the company client will need to provide the relevant information about the selected beneficiary to the Legal Team outside of the organizational account platform.

Can the same Representative create multiple Legal Teams?

No. At present, a Representative cannot create multiple Legal Teams from one online Representative account.

What happens if an attorney represents a company that has several offices throughout the United States that all have the same EIN but different human resources contacts (signatory representatives for each of the offices or departments)? How does the attorney set them up as a client and allow the contact for each division to sign for submissions of employees in their division? Does the client need to provide only one company contact for all their offices?

The Legal Representative can collaborate with multiple company groups. The company would need to have an individual at each office create an organizational account and establish themself as the Administrator. The Administrator would then invite the Legal Representative to collaborate. The attorney would then be able to send the registrations to the Administrator for review and submission.

Are there any changes to the H-1B electronic registration form for FY 2025?

The FY 2025 H-1B electronic registration form is very similar to past years. You still only need to provide basic information about the prospective petitioner and beneficiary.

One change this year is that we will require H-1B registrants to provide valid passport information or valid travel document information for each beneficiary. The passport or travel document provided must be the same as the beneficiary used to enter the United States; if or when they are outside the United States, it must be the document they intend to use to enter the United States if they receive an H-1B visa. Also, the passport or travel document’s validity period must be current and unexpired. Each beneficiary must be registered under only 1 passport or travel document.

The passport or travel document must be valid at the time of registration. If the passport or travel document expires between when a registration is submitted and when the H-1B petition is filed, the petitioner should enter data from the new, currently valid passport or travel document on Page 3, Part 3 of Form I-129, Petition for Nonimmigrant Worker. In support of the H-1B petition, the petitioner should provide documentation for **both** passports or travel documents to establish that the passport or travel document was valid at the time of registration and an explanation as to why there was a change in identifying information.

In rare instances, such as for nationals of Venezuela, the passport or travel document may be past the expiration date listed on the document (i.e., facially expired) but may have had its validity extended by decree or automatically by the national government or issuing authority that issued the passport or travel document. In these unusual circumstances, we would consider those documents to be valid since they were extended by decree or automatically. Registrants should enter the expiration date of the passport or travel document based on the extension, rather than the date which appears in the passport itself. If an H-1B petition is filed based on such registration, USCIS will review the copy of the facially expired document along with any relevant information about the extension to ensure the information entered at registration was accurate.

When will online filing of Form I-129 and Form I-907 be available?

On March 25, we launched online filing of Form I-129 and associated Forms I-907 for non-cap H-1B petitions.

On April 1, we will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

Related Links

- H-1B Registration Federal Register Notice
- H-1B Registration Final Rule (2019)
- H-1B Registration Final Rule (2024)

Labor Condition Application (LCA)

Prospective specialty occupation and distinguished fashion model employers/agents must obtain a certification of an LCA from the DOL. This application includes certain attestations, a violation of which can result in fines, bars on sponsoring nonimmigrant or immigrant petitions, and other sanctions to the employer/agent. The application requires the employer/agent to attest that it will comply with the following labor requirements:

The employer/agent will pay the H-1B worker a wage which is no less than the wage paid to similarly qualified workers or, if greater, the prevailing wage for the position in the geographic area in which the H-1B worker will be working.
The employer/agent will provide working conditions that will not adversely affect other similarly employed workers.
At the time of the labor condition application there is no strike or lockout at the place of employment.
Notice of the filing of the labor condition application with the DOL has been given to the union bargaining representative or has been posted at the place of employment.

Period of Stay

As an H-1B specialty occupation worker, you may be admitted for a period of up to 3 years. Your time period may be extended, but generally cannot go beyond a total of 6 years.

However, you may be eligible for an H-1B extension beyond the sixth year under 8 CFR 214.2(h)(13)(iii)(E) if you are the beneficiary of an approved immigrant visa petition under the EB-1, EB-2, or EB-3 classifications, and are eligible to be granted that immigrant status but for application of the per country or worldwide limitations on immigrant visas. Petitioners must demonstrate the visa is not available as of the date they file an H-1B petition with USCIS. We may grant extensions on this basis in up to 3-year increments until we make a final decision to revoke the approval of the immigrant visa petition or to approve or deny your application for an immigrant visa or application to adjust status to lawful permanent residence.

Alternatively, under 8 CFR 214.2(h)(13)(iii)(D), you may be eligible for an H-1B extension beyond the sixth year if at least 365 days have passed since a labor certification was filed with the Department of Labor on your behalf (if such certification is required) or an immigrant visa petition was filed with USCIS on your behalf.

You are ineligible for this extension beyond the sixth year if you fail to file an adjustment of status application or apply for an immigrant visa within 1 year of an immigrant visa being available. If the accrual of such 1-year period is interrupted by the unavailability of an immigrant visa, you will have a new 1-year period after an immigrant visa again becomes immediately available, during which you generally must file an adjustment of status application or apply for an immigrant visa. We may, in our discretion, excuse a failure to file an adjustment of status application or apply for an immigrant visa within 1 year of an immigrant visa being available if your employer establishes that the failure to apply was due to circumstances beyond your control. When considering whether to excuse a failure to timely file within 1 year, we will look at the totality of the circumstances, which may include:

- whether there was a change of employment;

- whether the change of employment was voluntary;
- when and why the employment with the original employer ended; and
- what steps you and your new employer took after the change of employment to file an adjustment of status application or apply for an immigrant visa.

We may excuse a failure to timely file in cases of both voluntary and involuntary change of employment when considering the totality of the circumstances. We may grant extensions under this provision in up to 1-year increments until the approved permanent labor certification expires or a final decision has been made to:

- deny the application for permanent labor certification, or, if approved, to revoke or invalidate the approval;
- deny the immigrant visa petition, or, if approved, revoke the approval;
- deny or approve your application for an immigrant visa or application to adjust status to lawful permanent residence; or
- administratively or otherwise close the application for permanent labor certification, immigrant visa petition, or application to adjust status.

Your employer will be liable for the reasonable costs of your return transportation if they terminate your employment before the end of your period of authorized stay. Your employer is not responsible for the costs of your return transportation if you voluntarily resign from your position. For more information, please see Options for Nonimmigrant Workers Following Termination of Employment.

H-1B Cap

The H-1B classification has an annual numerical limit (cap) of 65,000 new statuses/visas each fiscal year. An additional 20,000 petitions filed on behalf of beneficiaries with a master's degree or higher from a U.S. institution of higher education are exempt from the cap. Additionally, H-1B workers who are petitioned for or employed at an institution of higher education or its affiliated or related nonprofit entities, a nonprofit research organization, or a government research organization, are not subject to this numerical cap.

For further information about the numerical cap, see our H-1B Cap Season page.

Alert Type info

ALERT: Important Filing Deadline Information for FY2025 H-1B Cap Subject Petitions

The deadline for filing H-1B cap subject petitions **online**, based on a valid registration selection notice, is **June 30, 2024**.

Because June 30 falls on a Sunday, consistent with USCIS policy, USCIS will consider properly filed **paper** H-1B cap subject petitions received at a USCIS Lockbox Facility on **July 1, 2024**, as timely filed (i.e., USCIS will consider the paper-filed H-1B petitions to have been received on June 30).

Alert Type info

ALERT: USCIS has extended the initial registration period for the fiscal year (FY) 2025 H-1B cap. The initial registration period, which opened at noon Eastern on March 6, 2024, and was originally scheduled to run through noon Eastern on March 22, will now run through noon Eastern on March 25, 2024. USCIS is aware of a temporary system outage experienced by some registrants, and is extending the registration period to provide additional time due to this issue. Read more here: USCIS Extends Initial Registration Period for FY 2025 H-1B Cap.

Alert Type info

ALERT: On April 1, 2024, USCIS service centers will no longer accept Form I-129 petitions requesting H-1B or H-1B1 (HSC) classification.

We will reject H-1B or H-1B1 (HSC) petitions received at a USCIS service center on or after April 1, 2024. There will be **no grace period** provided.

Beginning on April 1, 2024, all paper-filed Form I-129 petitions requesting H-1B1 (HSC), or H-1B classification, including those with a concurrent Form I-907, Request for Premium Processing Service, and those with concurrently filed Form I-539 and/or Form I-765, must be filed at a USCIS lockbox facility. If you are filing Form I-129 alone or with Form I-907, you may also file online. On March 25, USCIS launched online filing of Form I-129 and associated Form I-907 for non-cap H-1B petitions. On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected. You can find the lockbox filing addresses for paper filed forms on our Form I-129 Direct Filing Addresses page.

Alert Type info

ALERT: On March 25, USCIS launched online filing of Form I-129 and associated Form I-907 for non-cap H-1B petitions. On April 1, USCIS will begin accepting online

filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

On Feb. 28, 2024, we launched new USCIS organizational accounts that will allow multiple people within a company and their legal representatives to collaborate and prepare H-1B registrations, H-1B petitions, and associated requests for premium processing.

Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts.

Alert Type info

ALERT: On Feb. 28, 2024, we launched new USCIS organizational accounts that will allow multiple people within a company and their legal representatives to collaborate and prepare H-1B registrations, H-1B petitions, and associated requests for premium processing. A new organizational account is required to participate in the H-1B Electronic Registration Process starting in March 2024.

How USCIS Determines if an H-1B Petition Is Subject to the Cap

We use the information provided during the electronic registration process to help us determine if a petition is subject to the congressionally mandated cap of 65,000 H-1B visas (commonly known as the “regular cap”) or the advanced degree exemption. The advanced degree exemption is an exemption from the H-1B cap for beneficiaries who have earned a U.S. master’s degree or higher and is available until the number of beneficiaries who are exempt on this basis exceeds 20,000.

Congress set the current annual regular cap for the H-1B category at 65,000. Not all H-1B nonimmigrant visas (or status grants) are subject to this annual cap. Please note that up to 6,800 visas are set aside from the 65,000 each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore free trade agreements. Unused visas in this group become available for H-1B use for the next fiscal year’s regular H-1B cap.

H-1B workers performing labor or services in the Commonwealth of the Northern Mariana Islands (CNMI) and Guam may also be exempt from the H-1B cap (see the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110-229). H-1B workers in Guam and the CNMI are exempt from the H-1B cap if their employers file the petition before Dec. 31, 2029.

When to File an H-1B Cap-Subject Petition

H-1B cap-subject petitions, including those eligible for the advanced degree exemption, may not be filed unless based on a valid and selected registration for the beneficiary named in the petition (unless the registration requirement is suspended).

You may file an H-1B petition no more than 6 months before the employment start date requested for the beneficiary. On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts. For paper-filed forms, you must file the petition at the correct location. Please see our Direct Filing Addresses for Form I-129 page.

How to Ensure You Properly File Your H-1B Cap-Subject Petition

1. Complete all required sections of Form I-129, Petition for a Nonimmigrant Worker, including the H Classification Supplement and the H-1B Data Collection and Filing Fee Exemption Supplement in accordance with the regulations and form instructions. Please be sure to access the most current versions of forms at uscis.gov/forms.
2. You must indicate a start date of Oct. 1 or later (of the applicable fiscal year, and 6 months or less from the receipt date of the petition) on your petition or your petition will be rejected or denied.
3. You must provide a copy of the H-1B Registration Selection Notice for the registration filed by your organization on behalf of the beneficiary with the petition. Ensure that you have also entered the corresponding “Beneficiary Confirmation Number” on the H Classification Supplement (Page 13, Question 5).
4. You must submit evidence of the beneficiary’s passport or travel document used at the time of registration to identify the beneficiary.
5. Ensure that any information provided during the electronic registration process matches the information provided on the petition. If any information does not match, you should provide an explanation with your petition and supporting documentation as to why there was a change or why the information does not match. If information on the registration and petition does not match, USCIS may reject or deny the petition. USCIS encourages the use of a brightly colored coversheet flagging the issue to ensure that this is reviewed upon receipt.

6. Make sure each form is properly signed. Ensure all signatures comply with the requirements described in the form instructions and as explained in the USCIS Policy Manual.
7. Required fees may be paid by check, money order, or credit card. If paying the required fees by check or money order, include signed checks or money orders with the correct fee amount. Please submit separate checks for each fee associated with the filing. Place all checks on the top of your petition packet.
8. Submit all required documentation and evidence with the petition at the time of filing to ensure timely processing.
9. Ensure that the Labor Condition Application (LCA) properly corresponds to the position in your petition.
10. For paper-filed forms, you must file the petition at the correct location. See the section below on **Where to Mail Your H-1B Petition**.
11. Ensure that the petitioner's name on the Form I-129 petition is the same as the petitioner's name on the G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, if filing a Form G-28.

Note: It is your responsibility to ensure that Form I-129 is completed accurately and submitted properly.

Additional Documents Required with Your Petition

Labor Condition Application (LCA)

When filing your H-1B petition with USCIS, you must include evidence that an LCA (ETA 9035) has been certified by the U.S. Department of Labor. This may include a copy of the signed, certified LCA. (Note: USCIS encourages petitioners to keep Department of Labor LCA processing times in mind when preparing the H-1B petition and to plan accordingly.) If the LCA was previously submitted in a petition that has been approved, you must submit a list including the name and USCIS case receipt number of any foreign worker who has previously used the LCA. You may not use an LCA for more workers than specified in Part B, Question 7 of the LCA.

Please see the Department of Labor's Office of Foreign Labor Certification website for more information on the LCA process.

Evidence of Beneficiary's Educational Background

You must submit evidence of the beneficiary's education credentials (with English translations when applicable) at the time you file your petition. If the beneficiary has met all of the requirements for a degree, but the degree has not yet been awarded, you may submit the following alternate evidence:

- A copy of the beneficiary's final transcript; or

- A letter from the registrar confirming that the beneficiary has met all of the degree requirements. If the educational institution does not have a registrar, then the letter must be signed by the person in charge of educational records where the degree will be awarded.

If you indicate that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at the time you file your petition.

Multiple or Duplicative Filings

Petitioners may not file multiple or duplicative H-1B petitions for the same beneficiary. To ensure fair and orderly distribution of available H-1B visas, we will deny or revoke multiple or duplicative petitions filed by an employer (including its related entities that filed without a legitimate business need) for the same H-1B worker and will not refund the filing fees. Multiple or duplicative petitions will be denied or revoked even if they are filed pursuant to a selected registration. For additional information, please see 8 CFR 214.2(h)(2)(i)(G); PM-602-0159, Matter of S- Inc., Adopted Decision 2018-02 (AAO Mar. 23, 2018) (PDF, 123.38 KB).

Where to Mail Your H-1B Petition

On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts. For paper-filed forms, you must file your petition at the correct location. We have specific mailing addresses for cases that are subject to the H-1B cap. To determine the correct mailing address see our Direct Filing Addresses for Form I-129, Petition for a Nonimmigrant Worker page.

Please read the filing instructions carefully. If you file your petition at the wrong location, we may reject it. Rejected petitions will not retain a filing date. If your petition is rejected because it was filed at the wrong location, you may refile your rejected petition at the correct location as long as the petition is refiled during the designated 90-day filing window on your Registration Selection Notice.

Required Fees

There are different fees depending on the type of H-1B petition you are submitting. Please refer to the Fee Schedule and H and L Filing Fees for Form I-129, Petition for a Nonimmigrant Worker page for detailed instructions on H-1B fees.

On Jan. 31, 2024, DHS published the Fee Schedule final rule to adjust certain immigration and naturalization benefit request fees for the first time since 2016. The new fees will be effective April 1, 2024. Applications and petitions postmarked on or after April 1, 2024, must include the new fees or we will not accept them.

There will be **no grace period** for filing the new version of Form I-129, Petition for a Nonimmigrant Worker, because it must be revised with a new fee calculation.

USCIS encourages stakeholders to visit the Fee Rule Frequently Asked Questions page to view a full list of the revised forms that will go into effect on April 1, 2024, along with the new fees.

The U.S. Department of Treasury has approved a temporary increase in the daily credit card transaction limit from $24,999.99 to $99,999.99 per day for H-1B registrations and petitions submitted **online** using one credit card for the FY 2025 H-1B cap season. This temporary increase is in response to stakeholder feedback and the volume of previous H-1B registrations that exceeded the daily credit card limit.

Checks

Check must be:

- Payable to the Department of Homeland Security;
- Include the proper amount and signature.

We prefer that you submit a separate check for each fee. For example, if you are required to pay the base filing fee, the fraud fee, and the ACWIA fee, you should submit three separate checks. If you only submit one check as combined payment for all applicable fees and certain fees do not apply or are incorrect, we will reject your H-1B petition.

Money Orders

Money orders must be properly endorsed.

Incorrect Filing Fee

We will reject all petitions submitted with the incorrect filing fee.

Premium Processing Service

Premium processing is currently available for all H-1B petitions. Additional information is available on our How Do I Request Premium Processing? page.

As a reminder, USCIS recently announced a final rule that will increase the filing fee for Form I-907, to adjust for inflation, effective Feb. 26, 2024. If USCIS receives a Form I-907 postmarked on or after Feb. 26, 2024, with the incorrect filing fee, we will reject the Form I-907 and return the filing fee. For filings sent by commercial courier (such as UPS, FedEx, and DHL), the postmark date is the date reflected on the courier receipt.

Organizing Your H-1B Package

Preferred order of documents at time of submission:

1. Form G-28 (if represented by an attorney or accredited representative)
2. Copy of the Registration Selection Notice for the Beneficiary Named in the Petition
3. Form I-129, Petition for a Nonimmigrant Worker
4. Addendums/Attachments
5. H Classification Supplement to Form I-129 and/or Trade Agreement Supplement to Form I-129 (for H-1B1 Chile-Singapore petitions)
6. H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement
7. All supporting documentation to establish eligibility. Provide a table of contents for supporting documentation and separate the items as listed in the table.
8. Arrival-Departure Record (Form I-94) if the beneficiary is in the United States
9. SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
10. SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
11. Form I-566 if the beneficiary is a current A or G nonimmigrant
12. Department of Labor certified LCA, Form ETA 9035
13. Employer/attorney/representative letter(s)
14. Other supporting documentation

USCIS requests that petitioners no longer provide duplicate copies of their Form I-129 petition or supporting evidence, as this can result in misidentification of filings. Due to enhanced electronic scanning capabilities and data-sharing with the U.S. Department of State, duplicate copies are no longer needed to avoid delays in consular processing.

How to mail multiple petitions together

If you will include multiple petitions in the same package, please place the individual petitions into separate envelopes within the package.

Filing Tips

Form G-28, Notice of Entry of Appearance as Attorney or Representative

If you will be represented by an attorney or other accredited representative, submit a properly completed Form G-28, Notice of Entry of Appearance as Attorney or Representative. For further information on Form G-28, please see our Filing Your Form G-28 page.

Form I-129, Petition for a Nonimmigrant Worker

- Complete all required sections of the form accurately and in accordance with the regulations and form instructions.
- H-1B cap petitions and advanced degree exemption petitions for the FY 2025 cap must include an employment start date of no earlier than Oct. 1, 2024. You must indicate a start date of Oct. 1, 2024 or later (and 6 months or less from the receipt date of the petition) on your petition or your petition will be rejected or denied. Do not file petitions earlier than 6 months before the requested employment start date. We will reject H-1B petitions requesting a start date of “As Soon As Possible” or “ASAP.”
- Ensure that you have entered the “Beneficiary Confirmation Number” on the H Classification Supplement.
- Ensure that the petition is properly signed.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129. This will ensure that the I-797 receipt and approval notices are sent to the petitioner.
- You must include the beneficiary’s passport or travel document number, country of issuance, and expiration date on the Form I-129. The passport or travel document information helps USCIS to confirm that the beneficiary named in the registration notice is the same individual as the beneficiary named in the petition and avoid processing delays.
- Ensure that the beneficiary’s name is spelled properly and that their date of birth is displayed in the proper format (mm/dd/yyyy). Also, review the country of birth and citizenship and the I-94 number (if applicable) for accuracy.
- Ensure that any information provided during the electronic registration process matches the information provided on the petition. If information between the registration and petition does not match, the petition may be rejected or denied. If any information does not match, you should provide a written explanation and supporting documentation as to why there was a change or why the information does not match.

- If the beneficiary is seeking an extension of stay or change of status, the petition should include evidence (such as a Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- Include a copy of the beneficiary's valid passport or travel document.

H Classification Supplement to Form I-129

- You can find the H Classification Supplement beginning on page 13 of Form I-129.
- Please be sure to complete all required sections of the form accurately and in accordance with the regulations and the form instructions.
- In listing previous periods of stay in H or L nonimmigrant classification, please also include the actual nonimmigrant classification held (such as H-1B or L-1).
- The petitioner must sign the form, preferably in black ink.

H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement

- You can find the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement beginning on page 19 of Form I-129.
- Please be sure to complete all sections of the form accurately.
- Make sure you are filing a valid edition of Form I-129, as specified in the Edition Date section on the Form I-129 page.

Delivery Service Error Guidance

If you filed an H-1B cap petition in a timely manner, but received notification from the delivery service that suggests that there may be a delay or damage to the package or that the package was misrouted, you may file a second H-1B petition with a new fee payment during the designated 90-day filing window on your Registration Selection Notice and the following:

- An explanation as to why a second petition is being filed, with supporting evidence, such as the notice from the delivery service; and
- A request to withdraw the first petition filed for the H-1B cap.

If you do not include these items, you will be considered to have submitted duplicate petitions. USCIS may deny or revoke multiple or duplicative petitions filed by the same petitioner, for the same H-1B worker in the same fiscal year, and will not refund the filing fees.

If you properly file a second H-1B petition and withdraw the first, USCIS will withdraw the first petition and proceed with adjudication of the second petition.

When we receive a timely and properly filed H-1B cap subject petition, the petitioner (and, if applicable, the petitioner's legal representative) will be provided a Form I-797, Notice of Action, communicating receipt of the petition. Due to increased filing volumes typically seen during H-1B cap filing periods, there are instances where a petition is timely and properly filed, but issuance of the Form I-797 is delayed. If a petitioner has confirmation from the delivery service that the petition was delivered, but they have not yet received a Form I-797 confirming receipt of the petition, the petitioner should not submit a second petition. If a petitioner has confirmation from the delivery service that the petition was delivered, and they submit a second petition, the petitioner will be considered to have submitted duplicate petitions. This will result in the denial or revocation of both petitions.

Changing Employers or Employment Terms with Same Employer (Portability)

Changing Employers

When can I begin working for a new H-1B employer if I change employers?

- If you are changing H-1B employers, you may begin working for the new employer as soon as they properly file a non-frivolous Form I-129 petition on your behalf, or as of the requested start date on that petition, whichever is later.
- To be eligible for portability, you must not have been employed without authorization from the time of your last admission into the United States, and your new employer must properly file a new, non-frivolous petition before your H-1B period of authorized stay expires.

Will I still have employment authorization if I change employers?

- If you are eligible for H-1B portability, your employment is authorized until USCIS has made a decision on the Form I-129.
- If the new I-129 petition is approved, you may continue working for the new employer for the period of time indicated on the new petition approval.

- If the new petition is denied, you may continue working for your previous employer if your prior period of authorized employment is still valid, but your authorization to work based on portability ceases upon denial of the petition.
- If you are laid off, fired, quit, or otherwise cease employment with your previous employer, you may have up to 60 consecutive days or until the end of your authorized validity period, whichever is shorter, to find new employment, change status, or depart the country.

Can I move from cap-exempt to cap-subject employment?

- If you are moving from cap-exempt to cap-subject employment, your new employer's H-1B petition will be subject to the H-1B cap. If subject to the cap, your new employer must first submit an electronic registration when registration period opens. This is typically in March.
- If more unique beneficiaries are registered than projected as needed to meet the cap for a given fiscal year, unique beneficiaries of properly submitted registrations will be randomly selected. All registrants of selected beneficiaries will be notified of selection and selection notices will be uploaded to their account informing them that they may file a petition for the beneficiary named in the selection notice during the applicable filing period. H-1B cap petitions must have a start date of Oct. 1 (or later) of the applicable fiscal year and may not be filed more than 6 months before the requested start date on the petition.
- If you are currently employed in a cap-exempt position, you may engage in concurrent employment in a cap-subject position as long as you will continue to be employed in the cap-exempt position. You may begin working concurrently for the cap-subject employer as soon as they properly file a non-frivolous Form I-129 petition on your behalf, or as of the requested start date on that petition, whichever is later. As long as you continue your cap-exempt employment, were previously counted toward the cap, or otherwise remain cap exempt, you will not become subject to the H-1B cap again during the same H-1B validity period.

Changing Employment Terms with the Same Employer

What if I want to start new employment or change employment terms with my current employer?

- Form I-129 is also used to request new employment or a change of employment with the same employer.
- If your current H-1B employer properly files a non-frivolous Form I-129 requesting new employment or a change of employment on your behalf, you are authorized to work according to the terms of the new or changed

employment once that petition is filed, or as of the requested start date on that petition, whichever is later.

Family of H-1B Visa Holders

Your spouse and unmarried children under 21 years of age may seek admission in the H-4 nonimmigrant classification. Certain H-4 dependent spouses of H-1B nonimmigrants can file Form I-765, Application for Employment Authorization, as long as the H-1B nonimmigrant has already started the process of seeking employment-based lawful permanent resident status. Please visit our Employment Authorization for Certain H-4 Dependent Spouses page to learn more.

More Information

- H-1B Cap Season
- Employment Authorization for Certain H-4 Dependent Spouses
- Fee Increase for Certain H-1B and L-1 Petitions (Public Law 114-113)
- Combating Fraud and Abuse in the H-1B Visa Program
- H-1B Electronic Registration Process
- Questions about Same or Similar Occupational Classifications Under the American Competitiveness in the Twenty-first Century Act of 2000 (AC21)
- Frequently Asked Questions about Part 6 of Form I-129, Petition for a Nonimmigrant Worker
- FAQs for Individuals in H-1B Nonimmigrant Status

Employment Authorization for Certain H-4 Dependent Spouses

Certain H-4 dependent spouses of H-1B nonimmigrants can file Form I-765, Application for Employment Authorization, if the H-1B nonimmigrant:

- Is the principal beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker; or
- Has been granted H-1B status under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000 as amended by the 21st Century Department of Justice Appropriations Authorization Act (AC21).

U.S. businesses use the H-1B program to employ foreign workers in specialty occupations that require a bachelor's or higher degree in a specific specialty that is

directly related to the H-1B position. In addition to specialty occupation workers, the H-1B classification applies to individuals performing services related to a Department of Defense cooperative research and development project or coproduction project, and to individuals performing services of distinguished merit and ability in the field of fashion modeling.

Visit our H-1B Visa page for more information on eligibility for the H-1B program.

Close All Open All

Eligibility Requirements

You are eligible if you are the H-4 dependent spouse of an H-1B nonimmigrant if your H-1B nonimmigrant spouse:

- Is the principal beneficiary of an approved Form I-140, Immigrant Petition for Alien Workers; or
- Has been granted H-1B status under sections 106(a) and (b) of AC21. Under AC21, H-1B nonimmigrants seeking employment-based lawful permanent residence may be eligible to work and remain in the United States beyond the six-year H-1B period of admission limitation.

How to Apply

You must file Form I-765, Application for Employment Authorization, to request employment authorization as an H-4 dependent spouse. You must receive an Employment Authorization Document (EAD/Form I-766) from USCIS before you may begin working. Use the newest version of Form I-765 to prevent delays or the need for USCIS to issue you a request for evidence.

Carefully follow these steps to prevent your application from being rejected and returned to you:

1. Complete Form I-765 using the Instructions for Form I-765 (PDF, 520.79 KB). USCIS will reject any application that is not accompanied by the proper filing fees or signature.
    - If you are filing Form I-765 together with Form I-485, you must specify your eligibility category as (c)(9), not as (c)(26), and pay the Form I-485 filing fee. Follow the Form I-485 filing instructions to avoid processing delays.
    - If you file a Form I-765 together with a Form I-485 at the filing address for Form I-765 category (c)(26), USCIS will reject your Form I-485 and any corresponding fees. Additionally, if you included the fees for both forms on the same check or money order, USCIS may also reject your Form I-765 for category (c)(26).

2. Submit supporting evidence (see chart below). Submitting sufficient supporting evidence will minimize the likelihood that USCIS will need to send you a request for more evidence.

Evidence of…	**Can be shown by submitting…**
Your H-4 status	● A copy of your current Form I-797 approval notice for Form I-539, Application to Extend/Change Nonimmigrant Status; or ● A copy of Form I-94, Arrival/Departure Record, showing your admission as an H-4 nonimmigrant or your most recent approved extension of stay.
A government-issued identification document with photo	● A copy of your last EAD (if any); ● A copy of the biometric page of your passport; ● A birth certificate with photo ID; ● A visa issued by a foreign consulate; or ● A national identity document with photo.
Your relationship to the H-1B nonimmigrant	● A copy of your marriage certificate.

Your basis for eligibility	1. Evidence that the H-1B nonimmigrant is the principal beneficiary of an approved Form I-140, Immigrant Petition for Alien Worker. ● You may show this by submitting a copy of the approval notice (Form I-797) for the Form I-140 filed for the H-1B nonimmigrant; **OR** 1. Evidence that the H-1B nonimmigrant has been admitted or granted an extension of stay under AC21 sections 106(a) and (b). ● You may show this by submitting: 1. A copy of the H-1B nonimmigrant's passports, prior Forms I-94 (Arrival/Departure Record), and current and prior Forms I-797 for Form I-129, Petition for a Nonimmigrant Worker; and 2. Evidence to establish one of the following bases for the H-1B nonimmigrant's extension of stay. ● **Based on Filing of a Permanent Labor Certification Application.** Submit evidence that the H-1B nonimmigrant is the beneficiary of a Permanent Labor Certification Application that was filed at least 365 days before the period of admission authorized under AC21 106(a) and (b) begins. You may show this by submitting a copy of a print out from the Department of Labor's (DOL's) website or other correspondence from DOL showing the status of the H-1B nonimmigrant's Permanent Labor Certification Application. If more than 180 days have passed since DOL certified the Permanent Labor Certification Application, also submit a copy of Form I-797 Notice of Receipt for Form I-140 establishing that the Form I-140 was filed within 180 days of such DOL certification; **OR**

	● **Based on a Pending Form I-140.** Submit evidence that the H-1B nonimmigrant's Form I-140 was filed at least 365 days before the period of admission authorized under AC21 106(a) and (b) begins. You may show this by submitting a copy of the Form I-797, Notice of Receipt, for Form I-140. **Examples of Secondary Evidence.** If you do not have any evidence relating to the H-1B nonimmigrant as described in "a" or "b" above, you may ask USCIS to consider secondary evidence in support of your application for employment authorization as an H-4 spouse. For example, such information may include the receipt number of the most current Form I-129 extension of stay request filed for the H-1B nonimmigrant or the receipt number of the approved Form I-140 petition filed for the H-1B nonimmigrant. Failure to provide necessary information about the H-1B nonimmigrant may result in a delay in the adjudication or denial of your application for employment authorization.
Photos for card production	● Two identical two-by-two-inch passport-style color photographs of yourself

Translations

If you submit any documents containing a foreign language to USCIS, you must also submit a full English language translation that the translator has certified as complete and accurate. The translator must also certify that they are competent to translate from the foreign language into English.

Form Filing Tips

When filing Form I-765, please mail it to the proper location based on the chart below.

If you are submitting your Form I-765…	Then please file your application at…
As a standalone application because you are currently in H-4 status and do not need to extend your status	The Lockbox address found on our Direct Filing Addresses for Form I-765 web page.
Together with Form I-539 seeking a change to or extension of H-4 status	The Lockbox address found on our Direct Filing Addresses for Form I-765 web page.
Together with Form I-129 seeking H-1B status for your spouse and Form I-539, seeking a change to or extension of H-4 status for yourself	The service center with jurisdiction over Form I-129. Please see our Direct Filing Addresses for Form I-129 web page for more information.

For your convenience, you may file Form I-765 with Form I-539, Application to Extend/Change Nonimmigrant Status, or with both Form I-539 and the Form I-129, Petition for a Nonimmigrant Worker, filed for the H-1B principal nonimmigrant. However, we will not make a decision on your Form I-765 until after we have adjudicated your Form I-539 and determined whether you are eligible for the underlying H-4 nonimmigrant status, whether your spouse is eligible for the underlying H-1B nonimmigrant status, or both. Go to the Filing Form I-765 with Other Forms page for more information on filing these forms together

Validity of Employment Authorization

You will not be authorized to work until USCIS approves your Form I-765. Once your employment authorization is approved, the expiration date on your Employment Authorization Document (Form I-766 EAD) should be the same date as the expiration date on your most recent Form I-94 indicating your H-4 nonimmigrant status. Generally, you are only authorized to work through the expiration date on your EAD. If you are still eligible for employment authorization after that date, you should file for a renewal EAD by submitting another Form I-765. You cannot file for a renewal EAD more than 180 days before your original EAD expires

You may qualify for automatic extension of your existing employment authorization. See our Automatic Employment Authorization Document (EAD) Extension page for more information on this automatic extension.

Avoid Immigration Scams

Some unauthorized practitioners may try to take advantage of you by claiming they can file an EAD. These same individuals may ask that you pay them to file such forms. To learn the facts about how to protect yourself and your family from scams, please visit www.uscis.gov/avoidscams.

Fee Increase for Certain H-1B and L-1 Petitions (Public Law 114-113)

Public Law 114-113 requires certain petitioners to pay an additional fee of $4,000 for certain H-1B petitions and to pay an additional fee of $4,500 for certain L-1A and L-1B petitions. Signed into law on Dec. 18, 2015, the PL 114-113 fee applies to petitions filed on or after Dec. 18, 2015. The fee is in effect until Sept. 30, 2027.

NOTE: The additional fee previously required by Public Law 111-230, as amended, expired on September 30, 2015.

Find on this page:

If You Are an H-1B Petitioner

When You Must Pay the Additional Fee

You must pay the additional **$4,000** fee if all of the following apply to you:

- You employ 50 or more employees in the United States;
- More than half of your employees in the United States are in H-1B, L-1A, or L-1B nonimmigrant status;
- You filed your H-1B petition with a postmark date of Dec. 18, 2015 or later (or if you sent it by courier services, the courier picked up your H-1B packet on Dec. 18, 2015, or later); and
- You filed an H-1B petition to:
    - Seek initial H-1B nonimmigrant status for an noncitizen, or
    - Obtain authorization for an H-1B worker to change employers.

You do NOT need to pay the additional fee for:

- H-1B extension requests filed by the same petitioner for the same employee,
- H-1B amended petitions, or
- Petitions based on other employment-based visa categories (such as H-1B1, H-2A, H-2B, etc.).

How to Fill Out Your Form I-129

We are in the process of revising the Form I-129. Until we publish the revised form, H-1B petitioners should continue to complete **Item Numbers 1.d** and **1.d.1** of Section 1 of the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement (Page 19 of Form I-129). We will reject or deny your petition if you do not complete this part of the form or if you do not include the fee when required.

Paying the Additional Fee

If you are required to pay the PL 114-113 fee, you should include the additional $4,000 fee in a separate check made payable to the Department of Homeland Security.

Please note that the PL 114-113 fee is **in addition** to:

- The Form I-129 fee;
- The Fraud Prevention and Detection fee;
- The American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) fee, if applicable; and
- The premium processing fee, if applicable.

If You Are an L-1 Petitioner

When You Must Pay the Additional Fee

You must pay the additional **$4,500** fee if all of the following apply to you:

- You employ 50 or more employees in the United States;
- More than half of your employees in the United States are in H-1B, L-1A, or L-1B nonimmigrant status (L-2 employees are not included in this amount);
- You filed your L-1 petition with a postmark date of Dec. 18, 2015 or later (or if you sent it by courier services, the courier picked up your packet on Dec. 18, 2015, or later); and
- You filed an L-1 petition to:
    - Seek initial L-1A or L-1B nonimmigrant status for an noncitizen, or

    - Obtain authorization for an L-1A or L-B worker to change employers.

You do NOT need to pay the additional fee for:

- L-1A or L-1B extension requests filed by the same petitioner for the same employee,
- L-1A or L-1B amended petitions, or
- Petitions based on other employment-based visa categories (such as H-1B1, H-2A, H-2B, etc.).

How to Fill Out Your Form I-129

We are in the process of revising Forms I-129 and I-129S. Until we publish the revised forms, L-1 petitioners should continue to complete **Item Numbers 4.a** and **4.b** of the L Classification Supplement (Page 22 of Form I-129). We will reject or deny your petition if you do not complete this part of the form or if you do not include the fee when required.

Paying the Additional Fee

If you are required to pay the PL 114-113 fee, you should include the additional $4,500 fee in a separate check made payable to the Department of Homeland Security.

Please note that the PL 114-113 fee is **in addition** to:

- The Form I-129 fee;
- The Fraud Prevention and Detection fee; and
- The premium processing fee, if applicable.Top

How USCIS Determines If You Must Pay the PL 114-113 Fee for H-1B and L-1 Petitions

We will count all of your full-time and part-time employees when determining whether you must pay this fee. Employees of related entities will not count.

When calculating the percentage of your employees in H-1B or L-1 status, we will calculate based on the number of employees you have in the United States, regardless of whether they are paid through a U.S. or foreign payroll.

Combating Fraud and Abuse in the H-1B Visa Program

The H-1B visa program should help U.S. companies recruit highly-skilled noncitizens when there is a shortage of qualified workers in the country. Yet, too many American

workers who are as qualified, willing, and deserving to work in these fields have been ignored or unfairly disadvantaged. Employers who abuse the H-1B visa program may negatively affect U.S. workers, decreasing wages and opportunities as they import more foreign workers.

Protecting American workers by combating fraud in our employment-based immigration programs is a priority for USCIS. USCIS continuously works to deter and detect fraud in all immigration programs and we are furthering our efforts by enhancing and increasing site visits, interviews, and investigations of petitioners who use the H-1B visa program. These efforts will help assist in the prosecution of program violators and ensure that American workers are not overlooked or replaced in the process.

Reporting Suspected H-1B Fraud or Abuse

Anyone (including American workers and H-1B workers who suspect they or others may be the victim of H-1B fraud or abuse) can send us tips, alleged violations, and other relevant information about potential fraud or abuse using our online tip form..

H-1B Fraud and Abuse Indicators

Examples of H-1B fraud indicators may include:

- The H-1B worker is not or will not be paid the wage certified on the Labor Condition Application (LCA).
- There is a wage disparity between H-1B workers and other workers performing the same or similar duties, particularly to the detriment of U.S. workers.
- The H-1B worker is not performing the duties specified in the H-1B petition, including when the duties are at a higher level than the position description.
- The H-1B worker has less experience than U.S. workers in similar positions in the same company.
- The H-1B worker is not working in the intended location as certified on the LCA.

Protections for H-1B Workers Who Report Suspected Fraud or Abuse

If an H-1B worker reports suspected fraud or abuse, immigration law may provide certain protections to these workers. If an H-1B worker:

- applies to extend their H-1B status or change their nonimmigrant status,
- indicates that they faced retaliatory action from their employer because they reported an LCA violation, and
- lost or failed to maintain their H-1B status,

we may consider this situation to be an instance of ‘‘extraordinary circumstances’’ as defined by sections 214.1(c)(4) and 248.1(b) of Title 8, Code of Federal Regulations. Normally, H-1B workers are not eligible to extend or change their status if they have lost or failed to maintain their H-1B status. However, if they can demonstrate ‘‘extraordinary circumstances,’’ we may use our discretion to excuse this requirement on a case-by-case basis.

Expansion of Site Visits

Since 2009, we have conducted random administrative site visits to ensure that employers and foreign workers are complying with requirements of the H-1B nonimmigrant classification. We verify H-1B workers' wages, job duties, and work locations during site visits. This action is not meant to target nonimmigrant employees for any kind of criminal or administrative action but rather to identify employers who are abusing the system.

We seek to determine if workers are not being paid while in the United States as they wait for projects or work, a practice known as “benching” which violates U.S. immigration laws. We also conduct site visits in cases where there are suspicions of fraud or abuse and refer many of the cases to our counterparts at U.S. Immigration and Customs Enforcement (ICE) for further investigation.

Starting this month, we will take a more targeted approach focusing on:

- H-1B-dependent employers (those who have a high ratio of H-1B workers as compared to U.S. workers, as defined by statute);
- Cases where we cannot validate the employer's basic business information through commercially available data; and
- Employers petitioning for H-1B workers who work off-site at another company or organization's location.

Targeted site visits will also help us determine whether H-1B-dependent employers who normally must meet H-1B recruitment attestation requirements are actually paying their workers the statutorily required salary to qualify for an exemption from these requirements. These site visits will assist in determining if these employers are evading their obligation to make a good faith effort to recruit U.S. workers and to not displace U.S. workers.

Targeted site visits will allow us to focus resources where fraud and abuse of the H-1B program may be more likely to occur. We will also continue to make unannounced and random visits to *all* H-1B employers across the country, both before and after any petition is adjudicated.

Promoting Transparency

Transparency about how the H-1B program is being used is vital to ensuring accountability for employers and improving policies and practices that protect American workers. To view reports and data about H-1B petitions for previous fiscal years, please visit the Immigration and Citizenship Data page.

How USCIS Determines Same or Similar Occupational Classifications for Job Portability Under AC21

If you have a pending Form I-485, Application to Register Permanent Residence or Adjust Status based on employment, you may be able to change the job or employer on which your Form I-140, Immigrant Petition for Alien Worker, is based as long as the new job offer is in the same or a similar occupational classification as the job offer for which the Form I-140 petition was filed. For you to change the offer of employment or employer, your Form I-485 must have been pending with USCIS for 180 days or more. You may request to "port" your job offer using the Form I-485, Supplement J, Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j). See section 204(j) of the Immigration and Nationality Act (INA), which was enacted from section 106(c) of the American Competitiveness in the Twenty-first Century Act of 2000 (AC21), for more information.

The term "port" or "porting" means to change the offer of employment from one job or employer to another job or employer in a way that allows an applicant to remain eligible for a Green Card without having a new Form I-140, Immigrant Petition for Alien Worker filed, for the applicant.

Occupational Classifications

The Department of Labor (DOL) uses the Standard Occupational Classification (SOC) system to group and classify jobs and occupations. The purpose of the SOC system is to organize occupational data and classify workers into distinct occupational categories. The SOC system covers all occupations where work is performed for pay or for profit. Occupations are generally categorized based on the type of work performed. Additionally, certain occupations are also classified based on the skills, education and training required to perform the job.

The SOC system is organized using codes, which generally consist of six numerical digits. For example, the SOC code for a stonemason is 47-2022.

- [47]-2022: The first two digits, "47" represent the major group, which includes all construction and extraction occupations.

- 47-[2]022: The third digit, “2” represents the minor group, which includes all construction trade workers.
- 47-2[02]2: The fourth and fifth digits, “02” represent the broad occupation, which includes brick masons, block masons, and stonemasons.
- 47-202[2]: The sixth digit, “2” represents the detailed occupation, which only includes stonemasons.
    - 47-0000 Construction and Extraction Occupations
    - 47-2000 Construction Trades Workers
    - 47-2020 Brick masons, Block masons, and Stonemasons
    - 47-2022 Stonemasons

No occupation will be assigned to more than one category with six digits.

The USCIS Policy Manual [7 USCIS-PM E.5] instructs USCIS officers that they may refer to DOL’s SOC system in making portability determinations. It also instructs officers to consider additional resources such as DOL’s Bureau of Labor Statistics’ Occupational Outlook Handbook as well as the DOL’s Bureau of Labor Statistics’ Occupational Employment Statistics Database as part of the analysis.

How USCIS Determines a Same or Similar Occupational Classification

USCIS officers consider multiple factors when deciding if two jobs are in similar occupational classifications for job porting purposes. USCIS officers may compare factors including, but not limited to:

- DOL’s SOC system
- The job duties of both positions
- The skills, experience, education, training, licenses or certifications specifically required to perform each job
- The SOC code from the Form I-140, Immigrant Petition for Alien Worker, the ETA Form 9089, Application for Permanent Employment Certification (PDF) (if applicable), and the appropriate SOC code for the new position as identified on the I-485 Supplement J
- The wages associated with each position
- Any other relevant and credible evidence submitted by the applicant

USCIS officers will consider the totality of the circumstances to determine if the two jobs are the same or similar for porting purposes and make our determination based upon a preponderance of the evidence.

USCIS Does Not Simply Compare Numbers in the SOC Code

As noted above, USCIS does not use a simple numerical comparison of SOC codes to determine if two jobs are the same or similar. USCIS aims to determine in all cases whether a new position is in the same or similar occupational classification as the original job offer. When referring to the SOC system, USCIS will analyze the SOC codes of the two jobs it is comparing. However, there is no specific rule for matching any particular order of digits in two SOC codes.

In the example in the Occupational Classifications section above, the "47" encompasses all construction and extraction occupations, which is a broad category and would not determine whether two jobs are similar. In this particular example, even matching additional digits of the SOC codes may not show whether or not two jobs are similar.

For example, the SOC code for a stonemason is **47-2022**. The job description for a stonemason is:

Build stone structures, such as piers, walls, and abutments. Lay walks, curbstones, or special types of masonry for vats, tanks, and floors.

The SOC code for a boilermaker is **47-2010**, which contains the same first four numbers of the stonemason's SOC code (**47-20**). However, the job description for a boilermaker is significantly different from that of stonemason:

Construct, assemble, maintain, and repair stationary steam boilers and boiler house auxiliaries. Align structures or plate sections to assemble boiler frame tanks or vats, following blueprints. Work involves use of hand and power tools, plumb bobs, levels, wedges, dogs, or turnbuckles. Assist in testing assembled vessels. Direct cleaning of boilers and boiler furnaces. Inspect and repair boiler fittings, such as safety valves, regulators, automatic-control mechanisms, water columns, and auxiliary machines.

In reviewing two positions within the same broad occupational classification, USCIS will consider factors such as the similarity of the duties, experience, or areas of study associated with each position.

How Wages Factor into USCIS' Determination

The USCIS Policy Manual [7 USCIS-PM E.5] indicates that USCIS may consider the wages offered for the original position and the new position when determining whether the two positions meet the requirements for job portability. However, USCIS will not necessarily conclude that the two positions are the same or similar based solely on whether the wages are the same or not. USCIS takes into consideration factors such as normal raises that occur over time to account for inflation or

promotion, the fact that the two positions might be located in different geographic locations or economic sectors, possible corporate mergers that could affect compensation structures, as well as moving from a for-profit to a non-profit employer (or moving from a non-profit to a for-profit employer).

If You Change Jobs or Get Promoted

If you change jobs or receive a promotion, USCIS will determine whether you remain eligible for a Green Card on a case-by-case basis and based upon the totality of the circumstances. You must establish by a preponderance of the evidence that the relevant positions are in similar occupational classifications. For example, if you move into a more senior but related position which is non-managerial, USCIS will use the criteria explained above to determine whether you are primarily responsible for managing the same or similar functions of your original job or the work of persons whose jobs are in the same or similar occupational classification(s) as your original position.

Frequently Asked Questions about Part 6 of Form I-129, Petition for a Nonimmigrant Worker

Introduction

On Nov. 23, 2010, U.S. Citizenship and Immigration Services (USCIS) revised Form I-129, Petition for a Nonimmigrant Worker. The revised Form I-129 and subsequent editions contain Part 6, Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States. Part 6 must be completed for certain Form I-129 petitions postmarked on or after Feb. 20, 2011.

Questions & Answers about Part 6 of Form I-129

Q1. What is Part 6 of Form I-129?
A1. Part 6 of Form I-129 is an attestation regarding the release of controlled technology or technical data to foreign persons in the United States. Part 6 requires petitioners to affirm that they have reviewed the export control regulations. It further requests petitioners to indicate whether a license is required from either the Department of Commerce (DOC) or the Department of State (DOS) to release technology or technical data to the beneficiary of the petition. If a license is required, the petitioner must certify that the beneficiary will not access such technology or data until the license has been obtained.

Q2. What is the purpose of Part 6?
A2. In 2002, the U.S. Government Accountability Office (GAO) reported that vulnerabilities in the deemed export licensing system could allow technology transfers to countries of concern (GAO-02-972). The GAO reported that DOC was not sufficiently coordinating its efforts with those of INS (now USCIS) to identify and follow up on noncitizens who change their immigration status to obtain jobs that could involve dual-use technology controlled under the Export Administration Act.

In addition, an April 2004 report (OIG-04-23) issued by the Inspectors General of several departments -- including DOS, DOC and Homeland Security found that USCIS did not include the protection of controlled technology as part of its process of adjudicating change-of-status applications submitted by noncitizens in the United States.

Part 6 of Form I-129 was a solution for addressing the issues raised in these two reports.

Q3. What are the export control requirements?
A3. The Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) require U.S. persons, including companies, to seek and receive authorization from the U.S. government before releasing controlled technology or technical data to foreign persons in the United States (15 CFR Parts 770-774 and 22 CFR Parts 120-130). U.S. companies must seek and receive a license from DOC and/or DOS before releasing controlled technology or technical data to nonimmigrant workers.

Q4. Are these export control regulations new?
A4. No. These export control regulations are not new. However, Form I-129 was revised on Nov. 23, 2010, to include Part 6, Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States. Part 6 must be completed for certain Form I-129 petitions postmarked on or after Feb. 20, 2011.

Q5. Is Part 6 required for all Form I-129 petitions?
A5. No. Part 6 must be completed only for petitions seeking H-1B, H-1B1, L-1, or O-1A nonimmigrant status for the beneficiary.

Q6. Will a petition be rejected if Part 6 is required but has not been completed after Feb. 20, 2011?
A6. No. USCIS will not reject Form I-129 if Part 6 is not completed. USCIS will issue a Request for Evidence (RFE) to provide the petitioner with the opportunity to complete Part 6.

Q7. What will happen to a petition if Part 6 is required but the petitioner declines to respond to the RFE?

A7. The petition will be denied should the petitioner decline to respond to Part 6 in response to an RFE.

Q8. Will USCIS require a copy of the export control license if one is necessary?
A8. No. At this time, USCIS does not require a copy of the export control license as part of the nonimmigrant visa petition process.

Q9. Will a petition be denied if an export control license is required but has not been obtained prior to filing the petition?
A9. No. USCIS will not deny the petition on the basis that a license is required but has not been obtained prior to the filing of the petition. However, the certification on Form I-129 includes a statement that the petitioner will prevent access to the controlled technology or technical data until and unless the petitioner has received the required license or other authorization to release it to the beneficiary. Failure to do so, where required under applicable law, may constitute a basis for revocation of the Form I-129 petition.

Q10. Where can I obtain additional information about the export control regulations?
A10. DOC's Bureau of Industry and Security (BIS) administers the Commerce Control List (CCL) and is responsible for issuing licenses under the EAR. Information about EAR and how to apply for a license from BIS can be found at www.bis.doc.gov. Specific information about EAR's requirements pertaining to the release of controlled technology can be found at www.bis.doc.gov/deemedexports.

DOS's Directorate of Defense Trade Controls (DDTC) administers the U.S. Munitions List (USML) and is responsible for issuing licenses under the ITAR. Information about the ITAR and how to apply for a license from DDTC can be found at www.pmddtc.state.gov. Specific information about the ITAR's requirements pertaining to the release of controlled technical data can be found on the DDTC's Getting and Staying in Compliance with the ITAR page.

FAQs for Individuals in H-1B Nonimmigrant Status

The following information addresses common questions by individuals in H-1B nonimmigrant status, particularly related to applying for lawful permanent resident (LPR) status, job changes or terminations, international travel, and dependent family members.

For example, did you know:

- An eligible H-1B worker can change employers as soon as the new employer's nonfrivolous H-1B petition is properly filed with USCIS.
- We will not revoke a Form I-140 petition approval solely due to the termination of the petitioner's business or the employer's withdrawal, as long as the petition has been approved for at least 180 days or the associated adjustment of status application has been pending for at least 180 days, and the petition approval is not revoked on other grounds. In this scenario, the H-1B worker will retain their priority date.
- When an H-1B worker's employment is terminated (either voluntarily or involuntarily), they typically may take one of several actions to remain in a period of authorized stay in the United States beyond 60 days.

Scenario	**Duration of Status or Authorized Stay**	**Employment (worker)**	**Employment (spouse)**	**Travel**	**Change of status**
No pending or approved Form I-140 or labor certification	H-1B status valid up to 3 years and extendable up to another 3 years, for total period of admission of 6 years	Tied to Form I-129 petitioner, but transferrable to new petitioner with a new nonfrivolous petition filing	Not authorized to work as an H-4 dependent	Travel and return using H-1B documents	May request to change to another nonimmigrant status while within the United States

Form I-140 or labor certification filed at least 365 days before requested H-1B extension start date	H-1B status renewable beyond end of 6-year general period of admission limitation, in 1-year increments	Tied to Form I-129 petitioner, but transferrable to new petitioner with a new nonfrivolous petition filing	Eligible for Employment Authorization Document (EAD), if the principal worker's H-1B status has extended beyond 6 years, or if Form I-140 is approved	Travel and return using H-1B documents **or** using Advance Parole if Form I-485 is pending and associated Form I-131 has been approved and remains valid	May request to change to another nonimmigrant status while within the United States
Approved Form I-140, but an immigrant visa number is not available	Status renewable beyond end of 6-year general period of admission limitation, in 3-year increments	Tied to Form I-129 petitioner, but transferrable to new petitioner with a new petition filing	Eligible for EAD	Travel and return using H-1B documents **or** using Advance Parole if Form I-485 is pending and associated Form I-131 has been approved and remains valid	May request to change to another nonimmigrant status while within the United States

Approved Form I-140, with an immigrant visa number available	Not a basis to renew H-1B beyond 6 years in 3-year increments, but may be eligible for extensions in 1-year increments if at least 365 days have passed since filing of Form I-140 or labor certification application	Tied to Form I-129 petitioner, but transferrable to new petitioner with a new petition filing	Eligible for EAD	Travel and return using H-1B documents **or** using Advance Parole if Form I-485 is pending and associated Form I-131 has been approved and remains valid	May request to change to another nonimmigrant status while within the United States
Timely-filed nonfrivolous pending change of status	Generally provides a period of authorized stay while pending, even after	Not authorized to work beyond H-1B status end-date, until the change of	If an EAD holder based on being an H-4 spouse, not authorized to work beyond	Not a basis for admission to the United States. Departure while a change of status request is pending leads to denial of	Must have change of status petition or application approved before change of status

	expiration of H-1B status	status is approved	H-4 status end-date	change of status	takes effect
Pending Compelling Circumstances EAD (CCEAD) application	Generally provides a period of authorized stay while pending, even after expiration of H-1B status	Not authorized to work beyond H-1B status end-date until the CCEAD is approved	If an EAD holder based on being an H-4 spouse, not authorized to work beyond H-1B status end-date unless H-4 obtains their own CCEAD	Not a basis for admission to the United States. Must have another basis for admission	Must consular process abroad to obtain a new nonimmigrant status
Approved CCEAD	Period of authorized stay, renewable in 1-year increments	Authorized to work for any employer	May request CCEAD as a derivative of principal CCEAD applicant	Not a basis for admission to the United States. Must have another basis for admission	Must consular process abroad to obtain a new nonimmigrant status

Pending Form I-485 with EAD and Advance Parole	Period of authorized stay until Form I-485 adjudicated, even after H-1B status expires	Authorized to work for any employer, based on approved and unexpired EAD	Eligible for EAD if also filed a Form I-485 that remains pending	May use valid H-1B visa or valid Advance Parole Document associated with the pending Form I-485 to enter the U.S.	May request to change status within the United States if maintaining underlying nonimmigrant status
Approved Form I-485 (LPR)	Permanent status	Authorized to work for any employer	Authorized to work for any employer if the spouse of the principal applicant has also obtained LPR status	Unrestricted travel, but prolonged time outside of the United States, depending on the length and circumstances of the trip, may result in a determination that LPR status has been abandoned	N/A

The chart below summarizes some common scenarios for H-1B workers. The information in this chart is general and does not capture all relevant details or considerations. Please review the FAQs further below and accompanying links for more specific information.

Acquiring H-1B Status from Within the United States

Q. I am currently in the United States in another nonimmigrant status. Do I have to depart the United States to obtain H-1B nonimmigrant status?

A. Nonimmigrants in the United States who wish to obtain a different nonimmigrant status generally either apply for a change of status with USCIS or, after USCIS approves their benefit request, consular process by applying for a visa in the new

classification at a U.S. Embassy or Consulate abroad and then requesting admission to the United States in the new classification.

In general, you may change to H-1B nonimmigrant status without departing the United States. An employer who files an H-1B petition on your behalf can request a change of status on the Form I-129, Petition for a Nonimmigrant Worker. To be eligible to change your status, you must have been lawfully admitted to the United States as a nonimmigrant, your nonimmigrant status must remain valid, you must not have violated the conditions of your status, and you must not have committed any act that would make you ineligible to receive a nonimmigrant benefit. Also, certain nonimmigrant categories are ineligible for a change of status (see Change My Nonimmigrant Status for a list).

If you need to depart the United States – for example, if your current nonimmigrant status expires before your employer is able to file Form I-129 requesting a change of status to H-1B classification – you would generally need to apply for and obtain an H-1B visa stamp from a U.S. Embassy or Consulate abroad and present yourself at a port of entry for admission in H-1B status with U.S. Customs and Border Protection (CBP) after the approval of the H-1B petition filed on your behalf. See *Requirements to Timely File a Request to Extend Stay or Change Status* in the USCIS Policy Manual.

H-1B Admission Duration

Q. How long may I remain in the United States in H-1B status?

A. The maximum period of admission for H-1B workers is generally 6 years. However, as detailed below, there are some common exceptions to this limit.

Q. When and how long can I extend my H-1B status beyond 6 years?

A. Your employer may submit Form I-129, Petition for a Nonimmigrant Worker, on your behalf, requesting an H-1B extension beyond 6 years in certain scenarios. For example, your employer may request to extend your H-1B status beyond 6 years if at least 365 days have passed since a permanent labor certification was filed on your behalf with the U.S. Department of Labor (DOL) or since an immigrant visa petition (typically Form I-140), enabling you to apply for lawful permanent residence once a visa is available, was filed on your behalf with USCIS under one of the employment-based immigrant visa categories. We may grant extensions on this basis in up to 1-year increments.

More commonly, your employer may also request to extend H-1B status beyond 6 years if you are the beneficiary of an *approved* Form I-140, Immigrant Petition for Alien Workers, in the first, second, or third preference category and are eligible to be granted lawful permanent resident status, except for the fact that an immigrant visa is not available, as reflected in the U.S. Department of State Visa Bulletin. Your

petitioning employer must demonstrate that the visa is not available as of the date the H-1B extension petition is filed with USCIS, **a**s determined by your Form I-140 priority date and the relevant visa bulletin chart from the time of filing the H-1B extension request. See the USCIS Policy Manual for additional information on visa availability. We may grant extensions on this basis in up to 3-year increments.

Additional information about extending H-1B status beyond 6 years, including specific requirements and points at which you are no longer eligible for such extensions, is available on our H-1B Specialty Occupations page under "Period of Stay."

Q. Must I presently hold H-1B status to request H-1B status beyond 6 years?

A. You do not have to hold H-1B status at the time you request H-1B status beyond the sixth year. Regulations authorizing H-1B status beyond 6 years apply to individuals who are currently in *or previously held* H-1B status.

For example, imagine you previously held H-1B status for 6 years but had no basis to timely extend beyond 6 years before your 6 years in H-1B status were reached. You then changed to O-1 status. While in O-1 status, a Form I-140 petition in the first, second, or third preference category was approved on your behalf, but an immigrant visa is not available in the category under which you are adjusting status based on your priority date. Your employer may then file a petition requesting a 3-year period of H-1B status on your behalf. This petition could either request a change of status to H-1B while still in the United States, assuming you are otherwise eligible for a change of status, or consular notification. H-1B petitions approved by USCIS for consular processing are forwarded to the Department of State for review. After review, a U.S. Consulate or Embassy may issue a visa for travel to a United States' port of entry.

Q. Does my time outside of the United States count towards my 6-year maximum in H-1B status?

A. Only time spent in the United States as an H-1B beneficiary counts towards the 6-year maximum. Time spent outside the United States exceeding 24 hours, commonly referred to as "recapture time" or "remainder time," does not count towards your 6-year limit, and you are eligible to recapture those periods of time. The burden is on your petitioning employer to request and establish eligibility for recapture time. Documentation of time outside of the United States may include passport stamps, Form I-94 Arrival/Departure Records and travel history from U.S. Customs and Border Protection, airline tickets, and boarding passes, along with an accompanying chart indicating dates outside of the United States. Your petitioning employer may include such documentation to establish your eligibility for recapturing time when they submit an H-1B petition on your behalf.

Q. I only work in H-1B status for short periods of time throughout the year. Does the 6-year maximum duration still apply to me?

There is not a limitation of stay if your employment in the United States is seasonal or intermittent or for a total of 6 months or less per year, or if you do not reside continually in the United States. Your petitioning employer must provide clear and convincing proof that you qualify for such an exception of the 6-year maximum duration. This proof must consist of evidence such as arrival and departure records, copies of tax returns, and records of employment abroad.

Q. When can I begin a new 6-year period of H-1B status?

A. You may be eligible to begin a new period of 6 years in H-1B status if you have been outside of the United States for 1 continuous year, with the exception of brief trips to the United States for business or pleasure. If you start a new 6-year period of H-1B status you are subject to H-1B cap limitations if your employment is cap-subject.

Expiration of H-1B Status

Q. My H-1B status is about to expire. Do I have to leave the United States to extend my H-1B status?

A. In general, you do not have to leave the United States to extend your H-1B status. Your employer can submit an H-1B petition with a request to extend your H-1B status. To be eligible to extend your status, you must have been lawfully admitted to the United States as a nonimmigrant, your nonimmigrant status must remain valid, you must not have violated the conditions of your status, and you must not have committed any act that would make you ineligible to receive a nonimmigrant benefit. See How Do I Extend My Nonimmigrant Stay in the United States (PDF, 121.18 KB)?

If the H-1B petition requesting an extension of status on your behalf is filed *after* the end of your H-1B status period – in other words, if it was not "timely filed" -- then we, in our discretion and under certain conditions, may excuse the failure to timely file if the delay was due to extraordinary circumstances beyond your control. If we approve the late-filed petition to extend status, the approval is effective as of the date of the expiration of your prior H-1B admission period. See the USCIS Policy Manual.

If we deny the extension of status request, whether it was filed on time or not, you will be considered to have been out of valid status as of the expiration date of your H-1B status that you sought to extend (in other words, your I-94 expiration date). Please see the USCIS Policy Manual for more information.

Q. My H-1B status is about to expire but a petition requesting an H-1B extension on my behalf is pending at USCIS. What is my status once my H-1B expires? May I continue to work while the extension request is pending?

If your H-1B expires and a timely-filed non-frivolous H-1B extension request is pending on your behalf, you are in a period of authorized stay – even after your H-1B status expires. Note, however, that an authorized period of stay is not the same as a status. If the petition is seeking extension of the same employment for the same employer, you are authorized to continue employment for a period not to exceed 240 days from the date your H-1B status expired. If we deny the extension request before the 240-day period expires, your employment authorization will automatically terminate when USCIS notifies your petitioning employer of the denial. If the petition is requesting a change in employment or change in employer under H-1B portability, you are authorized to work in the new employment for the entire time the petition is pending at USCIS. If we deny the request, your employment authorization based on portability will automatically terminate when USCIS notifies your petitioning employer of the denial. See "Changing Employers or Employment Terms with the Same Employer (Portability)" in our H-1B Specialty Occupation webpage.

Q. What happens if my H-1B status expires while I have a pending application to change to another nonimmigrant status?

A. A pending application to change status (Form I-129, Petition for a Nonimmigrant Worker, or Form I-539, Application to Extend/Change Nonimmigrant Status) does not provide lawful immigration status. However, you may be in an authorized period of stay during the period when a timely filed nonfrivolous application to change status is pending with USCIS. If we approve your timely-filed application to change status, the start date for your new nonimmigrant status is effective on the date of approval. If there is a gap of time between the expiration date of your H-1B status and the start date of your new status, we consider you to have continued to maintain a lawful status as long as you timely filed the change of status (COS) application, we granted the request to change status, and you did not violate any terms and conditions of your H-1B status.

If your request to change status was not filed on time – in other words, if it was not filed before the end of your H-1B status -- then we, in our discretion and under certain conditions, may excuse the failure to timely file if the delay was due to extraordinary circumstances beyond your control. If we approve the late filed change of status application, the change of status takes effect on the approval date. In this scenario, we will consider you to have maintained lawful status during the excused period. See the USCIS Policy Manual.

If we deny the application to change status, whether it was filed on time or not, you will be considered to have been out of valid status as of the expiration date of your H-1B status (your I-94 expiration date).

Q. What happens if my H-1B status expires and I have an approved compelling circumstances Employment Authorization Document (EAD)?

A. If your H-1B status expires and you have a compelling circumstances EAD, you will be in a period of authorized stay, but you will no longer be maintaining a nonimmigrant status. You generally will not accrue unlawful presence in the United States while the EAD is valid or, if you filed a non-frivolous application for the EAD before the expiration of your H-1B status, while your application was pending.

If you are working in the United States under a compelling circumstances EAD and a nonimmigrant or immigrant petition is filed on your behalf, you would not be eligible to change status, extend status, or adjust status to lawful permanent resident from within the United States. After the petition is approved, you would need to apply for a visa and/or admission from outside the United States to begin working in accordance with that petition.

See additional information at Employment Authorization in Compelling Circumstances.

Company Ownership

Q. I have a controlling interest in a company. Can this company qualify as my petitioning employer to sponsor my H-1B status?

A. A company in which you have a controlling interest – meaning, you own more than 50% or have majority rights – may qualify as your employer and may petition for H-1B status on your behalf. In this scenario you would be both an owner of the petitioning employer and a beneficiary of the petition (a “beneficiary owner”).

Previously, more restrictive requirements on employer-employee relationships between H-1B petitioners and beneficiaries may have resulted in H-1B beneficiary owners being ineligible. However, in 2020 we rescinded the 2010 policy memorandum, “Determining Employer-Employee Relationship for Adjudication of H-1B Petitions, Including Third-Party Site Placements,” which impacted such eligibility. See the USCIS Policy Memorandum (PDF, 379.71 KB).

The Oct. 23, 2023, Notice of Proposed Rulemaking (NPRM), Modernizing H-1B Requirements, Providing Flexibility in the F-1 Program, and Program Improvements Affecting Other Nonimmigrant Workers, proposed to codify the ability of beneficiary owners to obtain H-1B status. We continue to consider comments in response to this NPRM. However, beneficiary owners may already be eligible for H-1B status under existing regulations and policies. You must still be coming temporarily to the United States to perform services in a specialty occupation. Additionally, Department of Labor requirements related to labor condition applications, including requirements concerning the appropriate prevailing wage and wage level, still apply.

The United States remains a destination for top talent around the world. Our ability to attract and retain entrepreneurs is essential for spurring innovation, job creation, and new industries and opportunities for all Americans. We encourage entrepreneurs to

use the H-1B program, or other appropriate pathways, to live and work in the United States. See Options for Noncitizen Entrepreneurs to Work in the United States.

H-1B Status and Adjustment of Status

Q. I hold H-1B status and have a pending adjustment of status application. If my H-1B expires, will my adjustment of status application be denied?

A. A pending adjustment of status application does not provide lawful status or cure any violation of nonimmigrant visa status. If you file Form I-485 while you are in H-1B status, however, the expiration of that H-1B status while the Form I-485 is pending generally will not make you ineligible for adjustment of status, as long as you do not engage in unauthorized employment or otherwise become inadmissible. See the USCIS Policy Manual.

Q. I hold H-1B status and have a pending adjustment of status application. If my H-1B expires, may I continue to work and travel?

A. A pending Form I-485, Application to Register Permanent Residence or Adjust Status, does not automatically confer employment authorization and does not serve as a basis for readmission to the United States. However, you may submit applications for employment authorization and advance parole with your Form I-485. If you file Form I-765, Application for Employment Authorization, based on your pending Form I-485, and receive an Employment Authorization Document (EAD), you may use this EAD to work. EADs based on a pending adjustment of status application are unrestricted as to employment type and location. If you file Form I-131, Application for Travel Document, and receive an Advance Parole Document based on your pending Form I-485, you may present your valid Advance Parole Document at a port of entry for reentry to the United States.

The validity period for your EAD will generally be 5 years. If you file both Form I-131 and Form I-765 and USCIS approves both applications, we will generally issue one document which serves as both your EAD and Advance Parole Document (known as a combination card, or combo card). The combo card will be an EAD with the notation “SERVES AS I-512 ADVANCE PAROLE.” (See Information About Your Immigration Document.) If you do not file the Form I-131 and I-765 together, and/or if we cannot adjudicate both applications together, you will receive separate employment authorization and Advance Parole Documents. In this case, your EAD will indicate “NOT VALID FOR REENTRY TO U.S.” and your Advance Parole Document will be issued separately.

Q. I am an international student on an F-1 visa, currently in a period of optional practical training (OPT). Do I need to obtain H-1B status for my employer to file an immigrant petition on my behalf?

A. As an F-1 student on OPT, you do not have to obtain H-1B status before an immigrant petition is filed on your behalf. In general, nonimmigrants are admitted for a specific temporary period of time and, at the time of admission or extension of stay, must intend to depart the United States at the expiration of their authorized period of admission or extension of stay. See the USCIS Policy Manual. To be eligible for F-1 classification, a student must intend to depart the United States after their temporary period of stay and have a foreign residence they do not intend to abandon. However, as a student you may be the beneficiary of a pending or approved immigrant petition and still be able to demonstrate an intent to depart. See the USCIS Policy Manual.

Q. I have an approved immigrant petition and am waiting for a visa number to be available. Why is there such a long wait for a visa number to be available to me?

A. Availability of immigrant visas is subject to statutory limits, and demand for these visas is generally much higher than the limits can accommodate. Statutory constraints on immigrant visa numbers can only be changed by Congress. See Employment-Based Adjustment of Status FAQs for additional information.

Q. I have now become a lawful permanent resident. Do any employment restrictions apply to me? What guidance is available?

A. As a lawful permanent resident you are authorized to work for any employer. You may use your Permanent Resident Card (Green Card) for readmission to the United States after travel abroad, though if you are outside of the country for a long duration – generally 1 year or more – you may need to apply for a reentry permit. Note that, depending on the length and circumstances of the trip abroad, the trip may lead to a determination that you have abandoned your lawful permanent resident status. (See the USCIS Policy Manual). Additional conditions and requirements apply to those granted conditional permanent resident status, usually granted to those who applied for lawful permanent residence based on marriage or investment. See After We Grant Your Green Card for more detailed information and resources.

Changing or Leaving Your H-1B Employer

Q. What is “porting”?

A. There are two kinds of job portability, or “porting,” available based on two different kinds of employer petitions:

***H-1B petition portability*:** Eligible H-1B nonimmigrants may begin working for a new employer as soon as the employer properly files a new H-1B petition (Form I-129) requesting to amend or extend H-1B status with USCIS, without waiting for the petition to be approved. More information about H-1B portability can be found on our H-1B Specialty Occupations page.

***Immigrant worker petition portability*:** A worker with an adjustment of status application (Form I-485) that has been pending for at least 180 days with an underlying valid immigrant visa petition (Form I-140) can transfer the underlying immigrant visa petition to a qualifying new offer of employment in the same or similar occupational classification with the same or a new employer. For example, if you move from a software developer position to an information systems manager position, this may be considered a same or similar occupation. More information about this kind of porting (sometimes known as "INA 204(j) portability") can be found in the USCIS Policy Manual.

If you seek to port to a new offer of employment under INA 204(j), you must submit Form I-485 Supplement J, Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j), to document your new job offer and transfer your Form I-140 to the new job offer.

If the Form I-140 is in an employment-based immigrant visa category which does not require a job offer – namely, individuals seeking a national interest waiver of the job offer requirement or individuals seeking classification as a person of extraordinary ability – you do not need to request job portability under INA 204(j).

Eligibility for immigrant visa classifications and specific requirements are described in the USCIS Policy Manual and in the Employment-Based Adjustment of Status FAQs.

Q. How do I leave my current employer to start working for a new employer while remaining in H-1B status?

A. Under H-1B portability provisions, you may begin working for a new employer as soon as they properly file a non-frivolous H-1B petition on your behalf, or as of the requested start date on the petition, whichever is later. You are **not** required to wait for the new employer's H-1B petition to be approved before beginning to work for the new employer, assuming certain conditions are met. For more details about H-1B portability, see our H-1B Specialty Occupations page, under "Changing Employers or Employment Terms with the Same Employer (Portability)."

Q. What are my options if my H-1B employment is terminated?

A. When nonimmigrant workers are laid off, they may not be aware of their options and may, in some instances, wrongly assume that they have no option but to leave the country within 60 days.

If your employment is terminated, either voluntarily or involuntarily, you typically may take one of the following actions, if you are eligible, to remain in a period of authorized stay in the United States:

- File an application for a change of nonimmigrant status;
- File an application for adjustment of status;

- File an application for a compelling circumstances Employment Authorization Document; or
- Be the beneficiary of a nonfrivolous petition to change employer.

If one of these actions occurs within the up to 60-day grace period, your period of authorized stay in the United States can exceed 60 days, even if you lose your previous nonimmigrant status. If you take no action within the grace period, you and your dependents may then need to depart the United States within 60 days, or when your authorized validity period ends, whichever is shorter.

For more detailed information, see our page on Options for Nonimmigrant Workers Following Termination of Employment.

Q. My employer filed a Form I-140 immigrant worker petition on my behalf. What happens if I leave my job, or if my employer withdraws the Form I-140? Will I retain my priority date? Am I still eligible to adjust status?

A. First, let's assume that your priority date is not yet current (meaning it is not earlier than the applicable cutoff date in the Visa Bulletin).

Starting from the moment that the Form I-140 filed on your behalf is approved:

- Your priority date is generally locked in for use in subsequently filed Form I-140 petitions (also known as priority date retention). The only way you can lose your priority date is if the I-140 approval is revoked on certain grounds such as agency error, fraud, or willful misrepresentation of a material fact.
- If you are otherwise eligible for H-1B status, this I-140 approval may be the basis to extend your H-1B status beyond the general 6-year period of admission limitation, in up to 3-year increments.
- Your spouse, if in H-4 nonimmigrant status or seeking a change of status to H-4 nonimmigrant status, would be eligible to apply for an Employment Authorization Document.

Within 180 days of the Form I-140 approval, if your employer withdraws the I-140 petition approval that was filed on your behalf, USCIS is obligated to automatically revoke the I-140 approval. *You would not lose your priority date*, but you would need a new basis in order to extend your H-1B status beyond the general 6-year limitation and ultimately adjust status.

After the Form I-140 filed on your behalf has been approved for at least 180 days, however:

- Even if your employer withdraws the Form I-140 approval, USCIS would not revoke the I-140 approval for that reason alone. You would continue to

have an approved I-140, and would continue to be eligible for H-1B extensions beyond the general 6-year limitation if you are otherwise eligible for H-1B status. USCIS would only revoke the I-140 approval on certain grounds such as agency error, fraud, or misrepresentation of a material fact. You would, however, need a new basis on which to seek adjustment of status.

Next, let's assume that your priority date becomes current, you have an approved I-140, and you properly file Form I-485 (the application to adjust status).

- Once your Form I-485 has been *pending* for 180 days, you can "port" the offer of employment in the Form I-140 approval to a new job offer (same or different employer) as long as the new job offer is in a "same or similar" occupational classification when compared to the job offer in the Form I-140 petition. The new employer does not have to submit a new I-140 on your behalf, although you would need to file a "Supplement J" to request this job portability. (Technically, you can submit a Supplement J to port a *pending* I-140 even before it's approved, but this scenario is less common. See the relevant form instructions (PDF, 323.82 KB) on when you must submit a Supplement J.)

Finally, let's consider one alternative scenario: More than 365 days have passed since the filing of a PERM labor certification application or a Form I-140 petition on your behalf:

- You are eligible to extend your H-1B status beyond the general 6-year limitation, in up to 1-year increments. (As described above, the 3-year increments are only possible with an *approved* I-140 and a priority date that is *not* current.) Thus, even if you are not eligible for the up to 3-year extension because your priority date is current, you may still be eligible for extensions in increments of up to 1 year if at least 365 days have passed since the filing of the PERM labor certification application or Form I-140 petition (or other employment-based immigrant petition, such as Form I-360) on your behalf.
- Your spouse, if in H-4 nonimmigrant status or seeking a change of status to H-4 nonimmigrant status, would be eligible to apply for an Employment Authorization Document if you have been granted an extension beyond the end of the general 6-year limitation on this basis.

Q. I have an approved Form I-140 but I know I will be waiting a long time for an immigrant visa to become available. Do I need to be the beneficiary of a valid, approved Form I-140 for the whole time I'm waiting?

A. You are not required to be the beneficiary of a valid, approved Form I-140 for the entire time you are waiting for an immigrant visa to become available. Generally, your first approved Form I-140 establishes your priority date. You *do* need a valid Form I-140 once an immigrant visa becomes available and you file your Form I-485, but it does *not* need to be the same I-140 that you used to establish your priority date.

In other words, an H-1B worker could establish their priority date with an approved I-140 from Employer A, then use H-1B petition portability to work for a number of other employers who do *not* file an I-140, and ultimately apply to adjust status based on a second approved I-140 from Employer Z (or use the approved I-140 from Employer A to "port" to a same or similar job offer from Employer Z, if eligible).

Please see the previous Q&A for more details about these scenarios.

Q. I believe my employer has retaliated against me. What protections are available to me?

A. You have a right to be protected from retaliation regardless of your immigration status. Immigration law may provide certain protections to you as an H-1B worker if you report suspected fraud or abuse. Normally, H-1B workers are not eligible to extend or change their status if they have lost or failed to maintain their H-1B status. However, if they can demonstrate "extraordinary circumstances," we may use our discretion to excuse this requirement on a case-by-case basis. We may consider a situation to be an instance of "extraordinary circumstances" if you:

- apply to extend your H-1B status or change your nonimmigrant status,
- indicate that you faced retaliatory action from your employer because you reported a Labor Condition Application violation,
- provide credible documentary evidence of such a report and retaliation, and
- lost or failed to maintain your H-1B status.

For more details, see Combating Fraud and Abuse in the H-1B Visa Program.

For more general information on worker protections, visit Worker.gov.

For additional information about protection for noncitizen workers who are involved in labor agency investigations, see DHS Support of the Enforcement of Labor and Employment Laws.

International Travel

Q. My employer filed an H-1B petition on my behalf, and it is pending at USCIS. If I travel internationally, will the H-1B petition be affected?

A. Only a beneficiary who is continuing to maintain nonimmigrant status may apply for a change of status. If you depart the United States while a petition requesting a change of status to H-1B is pending, we will consider the change of status request abandoned. If we approve the petition, the approval notice will be issued as a consular notification and will not confer H-1B status. In this scenario, you would generally need to apply for and obtain an H-1B visa stamp from a U.S. Embassy or Consulate abroad and present yourself for admission to U.S. Customs and Border Protection (CBP) to obtain H-1B status. See the U.S. Department of State website for information on the visa application process and the CBP website for information on travel to the United States.

You must be physically present in the United States at the time your employer files a petition requesting an extension of stay on your behalf. However, departure from the United States while an H-1B petition requesting an extension of stay is pending will generally not serve as a basis to deny the extension request. Your employer may request that USCIS send notification of the H-1B extension approval to the consular office abroad where you will apply for a visa.

Q. I am in the process of applying for lawful permanent resident status while holding H-1B status. Will international travel affect my adjustment of status application?

A. For most adjustment of status applicants, if you depart the United States with a pending Form I-485, Application to Register Permanent Residence or Adjust Status, without first obtaining an advance parole document, we will deny Form I-485 for abandonment. Exceptions to this rule exist for a narrow set of nonimmigrants, including those holding valid H-1B status. An individual in H-1B status who is not under exclusion, deportation, or removal proceedings may travel while Form I-485 is pending without first obtaining an advance parole document if:

- Upon returning to the United States they remain eligible for H-1B status;
- They are returning to the United States to resume employment with the same employer for which their H-1B is authorized; and
- They are in possession of a valid H-1B visa.

Alternatively, an individual in H-1B status who has a pending Form I-485 and who has been granted an Advance Parole Document based on an approved Form I-131, Application for Travel Document may depart the United States without abandoning their Form I-485 application, so long as they depart and return during the advance parole document's validity period.

Q. I filed Form I-131 requesting advance parole and Form I-765 requesting employment authorization with my Form I-485. If I leave the United States before the advance parole and employment authorization are issued, will the applications be denied?

A. Departure from the United States generally will not on its own serve as a basis of denial of Form I-765, Application for Employment Authorization. However, if you file Form I-131, Application for Travel Document, requesting an Advance Parole Document and depart the United States without already having an Advance Parole Document that is valid for the entire time you are outside the United States, we will consider your Form I-131 abandoned and will deny that application.

You may be eligible for expedited processing of your applications. We consider expedited processing of Form I-131 if you have a pressing or critical need to travel for an unexpected event, such as the need to obtain medical treatment in a limited time or the death or grave illness of a family member or close friend. Expedited processing of a travel document may also be warranted if you have a pressing or critical need to travel outside the United States for a planned event, such as a work or professional commitment, academic commitment, or personal commitment, but processing times prevent USCIS from issuing the travel document by the planned date of departure. When the need to expedite issuance of a travel document is related to a planned event, we consider whether you timely filed the Form I-131 or timely responded to a request for evidence. A desire to travel solely for vacation generally does not meet the definition of a pressing or critical need to travel. See additional information in the USCIS Policy Manual and our webpage on Expedite Requests.

Q. I have an Employment Authorization Document (EAD) based on compelling circumstances and am no longer maintaining H-1B status. Can I travel abroad?

A. An EAD based on compelling circumstances does not serve as a travel document or otherwise provide eligibility for readmission into the United States. However, having an EAD based on compelling circumstances does not prevent you from applying for a nonimmigrant or immigrant visa at a consular post abroad to return to the United States, assuming you are otherwise eligible.

We consider an applicant with a valid EAD based on compelling circumstances to be in a period of authorized stay. In addition, we consider the time during which the EAD application was pending to be a period of authorized stay. Therefore, you generally do not accrue unlawful presence during the validity period of the EAD or during the time that a timely filed non-frivolous application is pending. Departing the United States to apply for a nonimmigrant or immigrant visa at a consular post abroad while working using the compelling circumstances-based EAD will not trigger the unlawful presence grounds of inadmissibility, as long as you are not subject to those grounds of inadmissibility from other circumstances. See additional information at Employment Authorization in Compelling Circumstances.

Family Members of H-1B Workers

Q. Can my H-4 dependent family members work?

A. H-4 dependents are not automatically employment authorized on the basis of their nonimmigrant status. Only H-4 dependents who affirmatively apply for and receive employment authorization from USCIS are authorized to work, and only certain H-4s are eligible for employment authorization. H-4 spouses may file Form I-765, Application for Employment Authorization, if the H-1B worker is the beneficiary of an approved Form I-140, Immigrant Petition for Alien Workers, or has been granted H-1B status beyond 6 years based on 365 days having passed since a labor certification was filed with the Department of Labor or an immigrant visa petition was filed with USCIS on the H-1B worker's behalf. See Employment Authorization for Certain H-4 Dependent Spouses.

Q. Are my H-4 dependent family members also subject to the 6-year maximum period of stay?

A. Dependent family members' time in H-4 status is generally limited to the duration of the H-1B worker's status. If an individual obtains H-1B extensions beyond 6 years, then their H-4 dependent family members are also eligible for extension of H-4 status for that same duration. Time spent in H-4 status does not count towards the 6-year maximum for H-1B status, so an individual who has spent 6 years in H-4 status my still obtain their own H-1B status for a period of 6 years.

Q. I am seeking lawful permanent resident status with my dependent family members, including my H-4 child. What happens when my H-4 child turns 21? Are they still eligible for LPR status?

A. Once your child turns 21 or gets married, they no longer meet the definition of a child under the Immigration and Nationality Act (INA) and therefore will no longer be eligible for H-4 status. At this point, to maintain nonimmigrant status your child would need to change to another nonimmigrant status – for example, F-1 or H-1B – for which they independently qualify.

Additionally, they may still be eligible to adjust status or apply for an immigrant visa under the Child Status Protection Act (CSPA), which protects certain beneficiaries from losing eligibility for adjustment of status and immigrant visas due to aging during the immigration process. If your child benefits from the CSPA, they will still lose their H-4 status after turning 21, but they will remain eligible to adjust status as a derivative beneficiary of your own adjustment of status application and immigrant worker petition despite being age 21 or over, assuming otherwise eligible. See the USCIS Policy Manual for detailed information about CSPA, as well as Employment-Based Adjustment of Status FAQs (Family Members).

Actions to Support H-1B Workers and Families

Q. What actions has USCIS taken to support H-1B nonimmigrants seeking to adjust or change status in the United States?

Congress sets the annual immigrant visa limits. Historically, demand for these visas, regardless of country of origin, is much higher than the annual limits can accommodate.

USCIS has taken several actions to help those who will be waiting a long time for an "immediately available" immigrant visa number, including a 2015 rule that allows certain spouses of H-1B nonimmigrants to apply for employment authorization, and a 2016 rule that has improved job flexibility for H-1B workers and their families.

More recent improvements since 2021 include the following:

Operational improvements

- Issuing an unprecedented number of employment-based green cards in fiscal years 2022 and 2023.
- Increasing the maximum validity period of Employment Authorization Documents (EADs) to 5 years for adjustment of status applicants and bringing back "combo cards" that provide evidence of both employment authorization and advance parole.
- Expanding premium processing to all filers of Form I-140, Immigrant Petition for Noncitizen Workers, as well as certain filers of Form I-765, Application for Employment Authorization, and Form I-539, Application to Extend/Change Nonimmigrant Status.
- Updating policy guidance on expedite requests, including when USCIS may expedite adjudication of an Application for Travel Document (Form I-131) when an applicant demonstrates a pressing or critical need to leave the United States, whether the need to travel relates to a *planned or unplanned* event. In addition, the guidance clarifies expedite requests supported by a government agency.
- Removing the biometrics fee and appointment requirement for applicants for a change or extension of nonimmigrant status (Form I-539). When legally permitted or when resources and operational efficiency allow, USCIS may "bundle" the adjudication of derivative applications that are filed together with the associated principal petition. For example, USCIS is currently "bundling" forms I-129 and I-539 for certain classifications, which provides near-contemporaneous adjudication of the derivative form I-539 with the principal Form I-129.
- Announcing process enhancements for deferred action requests by workers, including H-1B workers, to support labor and employment agency investigations.
- Making progress on reducing processing times (PDF).

Policy improvements

- Strengthening the integrity of the H-1B program with a final rule that created a new beneficiary-centric selection process for the FY 2025 H-1B registration period. This new rule has resulted in dramatically fewer attempts to game the system, as evidenced by H-1B registration data. In addition, under the new beneficiary-centric selection process, if a worker has multiple legitimate job offers and any of these registrations are selected, then the worker may choose which employer to work for.
- Updating policy guidance for international students, including clarification that F and M students must have a foreign residence that they do not intend to abandon, but that such students may be the beneficiary of a permanent labor certification application or immigrant visa petition and may still be able to demonstrate their intention to depart after a temporary period of stay. In addition, the guidance specifies how F students seeking an extension of optional practical training (OPT) based on their degree in a STEM field may be employed by startup companies, as long as the employer adheres to the training plan requirements, remains in good standing with E-Verify, and provides compensation commensurate to that provided to similarly situated U.S. workers, among other requirements.
- Updating the agency's interpretation of the Child Status Protection Act to provide additional protection for child beneficiaries of noncitizen workers from "aging out" of child status and allowing them to seek permanent residence along status with their parents, including clarification of the "sought to acquire" requirement.
- Publishing updated guidance on when a Form I-140 beneficiary may transfer, or "port," to a new job, providing clarity to those seeking to change employers during the lengthy process of becoming a lawful permanent resident.

Greater clarity

- Publishing resources for nonimmigrant workers following termination of employment, to ensure that nonimmigrant workers who are laid off are aware of options that may permit them to remain in the country past the regular 60 day grace period.
- Issuing guidance on the eligibility criteria for compelling circumstances Employment Authorization Documents (EADs). For example, a principal applicant with an approved immigrant visa petition in an oversubscribed visa category or chargeability area, who has lived in the United States for a significant amount of time, could submit evidence such as school or higher education enrollment records, mortgage records, or long-term lease records to support a potential finding of compelling circumstances. Compelling circumstances could include, if, due to job loss, the family may otherwise be forced to sell their home for a loss, pull their children out of school, and relocate to their home country.

- Publishing information on the full range of options for STEM professionals and entrepreneurs to work in the United States, and issuing new policy guidance to provide clarity for:
    - Individuals of extraordinary ability (O-1)
    - Individuals of extraordinary ability and outstanding professors and researchers (EB-1)
    - Individuals with advanced degrees or exceptional ability who can self-petition with a National Interest Waiver (EB-2 NIW)
    - Start-up founders growing their companies in the United States under the International Entrepreneur Rule.

Meanwhile, the Department of State has launched an Early Career STEM Research Initiative as part of the J-1 visa program, as well as a domestic visa renewal pilot program.

We will keep working within our legal authority to provide as much flexibility, predictability, and dignity as possible for all those waiting for their chance to become a lawful permanent resident and ultimately a U.S. citizen.

Related Resources

- H-1B Specialty Occupations
- Employment-Based Adjustment of Status FAQs
- Employment Authorization for Certain H-4 Dependent Spouses.
- Employment Authorization in Compelling Circumstances
- Options for Nonimmigrant Workers Following Termination of Employment
- Options for Noncitizen STEM Professionals to Work in the United States
- Options for Noncitizen Entrepreneurs to Work in the United States