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2024 H-1B Cap: The Latest Changes

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The H-1B Lottery Process

- Need to identify people early
- Master's cap and regular cap numbers
- Pre-registration process
 - Electronic submission
 - \$10 fee for each beneficiary (proposed new fee \$215)
 - March 2024 – specific dates tbd
- Post-registration process
 - Notification of selection through account
 - File petitions only for selected beneficiaries

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Lessons From 2023

- Importance of account creation and approval by employers
- Multiple registration problems
- Notification timing
- Premium processing of cap and other H's
 - New fee \$2,805
- Two lottery drawings

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H-1B Modernization Rule

- Specialty occupation
- Degrees
- Deference
- F-1 cap gap
- Multiple registrations

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POLL

**How many registrations do
you anticipate making in
2024?**

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What You Need to Do Now

- Register or update company's account
- Registration with Department of Labor for LCA
- Preparing for issues before registration
 - Occupational classification
 - Prevailing wage
 - U.S. Master's or regular cap
 - Status maintenance until October 1

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Anticipating Issues for 2024 Filings

- Specialty occupations
- Alternative wage surveys being questioned
- Problem occupations
- Offsite work, travel, and itineraries
- Remote work (local vs. national)
- Prior periods of CPT, OPT and maintenance of status
- Workforce planning & reductions in force

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Identifying 2024 Cap Cases

- Need to identify/prepare cases early
 - Consider multiple filings from other employers
- OPT
- L-1A and L-1B
- TN
- Overseas employees
- H-4/L-2 EAD
- DACA/TPS/Other

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Strategic Advice

- Requesting more information upfront
- Anticipating RFEs
- Set expectations with managers
 - Timing (cap gap limitations)
 - RFEs
- Consider backup plans

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H-1B Alternatives

- Continue F-1 work authorization (CPT, STEM, OPT)
- H-3 training for non-STEM fields
- Employment abroad and L-1 eligibility
- Consider spousal status
- O-1 or EB-1 / NIW
- Labor certification / direct to green card

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Questions?



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For Further Information





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REQUEST: Michele, Maria, or Sarah 

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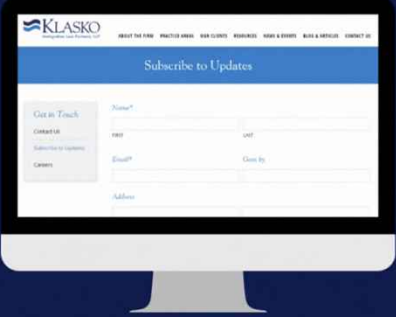
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