

Think Early: How to Prepare for This Year's New H-1B Filing Season

By Lidia Ebersole & Stephanie Olivera Mittica

With a shortage of workers in many sectors of the U.S. professional labor market, employers continue to seek qualified candidates among the non-U.S.-citizen population, including recent graduates of U.S. colleges.

Unfortunately, due to statutory limitations, only 85,000 new H-1B visas can be issued each year; thus, employers must participate, and be selected, in the H-1B lottery process before they can begin the hiring process for any H-1B first-timers. (Those who previously held an H-1B status are not subject to the annual H-1B cap.)

Employers who want to hire new graduates, students in Optional Practical Training ("OPT") status, or anyone who is seeking to obtain an H-1B status for the first time should **plan early** to account for the conditions and deadlines imposed by the United States Citizenship and Immigration Services ("USCIS"). The most important dates are the registration dates for the annual H-1B lottery:

- **March 1, 2023 @ 12:00 noon (ET)**—registration for the H-1B lottery starts
- **March 17, 2023 @ at 12:00 noon (ET)**—registration period for the H-1B closes

Shortly after the registration window closes, USCIS will notify selected employers that they can submit an H-1B petition for the qualified worker. After selection, an employer will have to submit an H-1B petition on behalf of the worker, and, if such petition is approved, the new employee can begin working on **October 1, 2023**.

There are other relevant dates, and USCIS sometimes conducts a supplemental lottery after the initially selected employers fail to file or file unqualified H-1B petitions. However, if the initial registration deadline of March 1 – March 17 is missed, the employer will not have an opportunity to apply for a new cap-subject H-1B visa until 2024.

Accordingly, we recommend that all employers think of their hiring needs early. Even though the registration window will not open for a few more weeks, early planning will help avoid stress and missed opportunities. In addition, USCIS allows employers to create their registration accounts early to be prepared for the March 1 registration deadline.

Contact Roetzel attorneys Lidia B. Ebersole and Stephanie Olivera Mittica to discuss any potential hiring needs, evaluate positions and candidates, and determine whether to register for this year's H-1B visa lottery.

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