

Now is the Time to Start Preparing for the H-1B Cap Lottery for Foreign Students or International Candidates

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The United States Citizenship and Immigration Services (USCIS) will begin accepting new H-1B lottery registrations, known as the H-1B Cap Lottery, for Fiscal Year 2025 starting in March of 2024 (exact dates to be announced). H-1B regulations governing petitions filed under the H-1B CAP visa lottery require employers filing H-1B CAP petitions to first register online. Only those employers whose registrations are electronically selected in the lottery will then be able to file their H-1B CAP petitions with USCIS.

The allotted number of H-1B registrations that the USCIS selects is set at 65,000, with an additional 20,000 petitions available for individuals with a master's degree or higher from a U.S. educational institution. USCIS is predicted to receive more than the allotted number of H-1B registrations during the registration period. This results in a "random selection process" or "lottery" and as a result, thousands of H-1B registrations will ultimately not be selected. For the most recent USCIS fiscal year, only 14.6% of eligible H-1B registrations were selected.

Only individuals needing a new H-1B petition are subject to the H-1B Cap, which includes F-1 foreign students, foreign nationals currently living abroad, and individuals in the U.S. in another visa status such as TN or L-1. The H-1B program is utilized by employers to employ foreign nationals in specialty occupations that require theoretical or technical expertise in specialized fields.

Attorneys

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Practice Areas

Employment-Based Visas
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If you have questions about the H-1B program, please contact an attorney in the Laner Muchin Immigration Group.