

The Annual H-1B Cap Lottery: An Overview

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Once again, the H-1B cap filing season is upon us. The H-1B is a popular U.S. work visa available to highly skilled foreign nationals who are offered a qualifying position by an employer. This visa is also known as a “specialty occupation” visa because in order to be eligible for this visa category, the offered position must require a minimum of a bachelor’s degree in a specific field.

As the demand for these popular visas far exceeds the supply of 65,000 (plus an additional 20,000 for foreign nationals holding an advanced degree from the U.S.), the U.S. Citizenship & Immigration Services (USCIS) conducts a lottery each year to select which lottery registrants will be allowed to submit an H-1B petition. The most suitable candidates for the H-1B lottery are students and recent graduates who are working pursuant to a Curricular Practical Training (CPT), Optional Practical Training (OPT), or STEM OPT work permit, but an employer can register any qualifying foreign national whether or not the foreign national is currently in the U.S. or working for the petitioning employer. As in years past, the lottery registration period is expected to run for two to three weeks in March 2024. During the lottery registration period, employers must submit a registration for every foreign national they wish to sponsor for the H-1B and pay a \$10 registration fee. USCIS will then randomly select the number of registrations projected as needed to reach the fiscal year 2025 H-1B numerical allocations, and notify the selected registrants (*i.e.*, petitioning employers), who will be eligible to file an H-1B cap-subject petition within 90 days of the lottery selection which will then be adjudicated by USCIS.

This year, USCIS has made online organizational accounts available for employers and their legal representatives to “share access and collaborate on H-1B registrations, Forms I-129, Petition for a Nonimmigrant Worker for H-1B nonimmigrants, and associate Forms I-907, Request for Premium Processing Service.” Such accounts will become available in February. There will be a webinar for employers on utilizing the organizational account option on Tuesday, January 23 from 2 p.m. – 3:30 p.m. ET.

If you or your employees might benefit from participating in this year’s lottery, please contact [Troutman Pepper’s Immigration team](#).

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