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Recent Updates to the H-1B Registration Process for FY 2026

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The United States Citizenship and Immigration Services (USCIS) is expected to soon announce the fiscal year 2026 H-1B lottery registration period. Historically, the USCIS has opened the H-1B cap registration period in the first week of March. Shortly after the period closes and before April 1st, the USCIS will conduct the lottery to select among candidates competing to benefit from the limited number of annually available H-1B visas. Multiple lotteries may be conducted in a given fiscal year depending on the volume of petitions actually received by USCIS. Congress has set a statutory annual limit or "cap" of 65,000 H-1B selections for foreign nationals with a U.S. bachelor's level education or higher (referred to as the "Regular Cap"). An additional 20,000 H-1B selections are set aside for foreign nationals with a U.S. master's level education or higher degree (referred to as the "Master's Cap").

Employers interested in availing of the lottery should be aware of regulatory changes in effect for the FY 2026 H-1B lottery, including:

- An increased USCIS filing fee of $215 for each H-1B lottery registration.
- An extended automatic extension of authorized employment for certain work-authorized F-1 students (this is commonly known as the "Cap-Gap" provision) —
  F-1 students with valid Optional Practical Training or 'OPT' with timely filed H 1B Cap petitions will receive an automatic extension of their authorized employment until April 1, 2026 (or until the validity start date of the approved H-1B petition, whichever is earlier). In previous years, the 'Cap-Gap' automatic extension of employment would only extend to the start of fiscal year, i.e., October 1st.
- A continuation of the 'beneficiary centric' H-1B lottery selection process that was put in place last year —
  USCIS now conducts the H-1B lottery based on a registrant's unique passport or travel document number. Prior to the FY 2025 lottery, USCIS' lottery selections were selected based on employer registrations. This practice increased the selection odds for individuals with multiple job offers and multiple corresponding employer registrations. With the new system in place, individuals who are selected are counted only once towards the H 1B cap regardless of how many employers submit registrations on their behalf.

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The months leading up to the lottery are an important time of year for employers seeking to sponsor a candidate for Cap H-1B selection in Fiscal Year 2026. **Interested employers should identify individuals for H-1B sponsorship as soon as practicable to allow sufficient time to initiate the registration process and gather the required basic information to ensure candidates will qualify for H-1B status.**

To qualify, a sponsored candidate must have a U.S. job offer in a professional-level position that requires at least a bachelor's degree in a relevant field, and the individual must also have the corresponding educational credentials. Typically, first-time beneficiaries of an H-1B petition include foreign students in F-1 status, TN Professionals, E-1 Traders, E-2 Investors, E-3 Specialty Occupation Workers, and foreign national employees working abroad and seeking relocation to the United States. These H-1B petitions are subject to the cap unless the employer is a cap-exempt organization.

The Dorsey & Whitney, LLP immigration team has extensive expertise in all aspects of the H-1B sponsorship process. Please contact us for further information.