

## IMPORTANT BACKGROUND INFORMATION

**PLEASE SEE INFORMATION ON CHANGES FOR THE FY 2027 LOTTERY HERE:**

<https://www.jackson-hertogs.com/post/uscis-publishes-final-h-1b-lottery-registration-prevailing-wage-weighted-selection-rule>

### **THE H-1B CAP PROCESS – OVERVIEW**

There is a limit to the number of H-1B visas that can be issued in any given fiscal year. This is known as the H-1B “cap.” Assuming you were not previously in H-1B status with a for-profit employer within the last six years, you are subject to the H-1B cap. There are two H-1B caps:

1. The **regular H-1B cap** applies to the vast majority of applicants and refers to anyone holding at least a bachelor's degree or its equivalent and who is being offered a professional position by a U.S. employer. There is a **limit of 65,000** H-1Bs under the regular cap.
2. The **advanced degree exception** cap allows up to **20,000 additional** H-1B visas for individuals who have obtained a Master's degree (or higher) from a U.S. institution of higher education.

In order to be included in the advanced degree cap, you **MUST have completed all requirements of the U.S. Master's degree** or higher **BEFORE** any H-1B visa petition is filed on your behalf, and the school awarding the degree must be accredited and a nonprofit or public university. There are no exceptions. Please review the below for more information about the “Master's cap.”

### **TIMING AND PROCESS**

U.S. Citizenship and Immigration Services announced that the initial registration period for the fiscal year (FY) 2027 H-1B cap will open at **noon Eastern on March 4** and run through **noon Eastern on March 19, 2026**.

All registrations are treated the same regardless of which day during the registration period they are submitted.

**If USCIS receives an excess of registrations, i.e. so that it exceeds the H-1B CAP (85,000 total), a randomized selection process (aka "lottery") will determine which H-1B Cap Registrations are selected.**

**USCIS notifies us of who was selected in the lottery on or before April 1.**

#### **If Selected:**

Selected registrations will have **90 days** to file the full H-1B cap petition, starting April 1.

H-1B Cap Registrations which are **not** selected will be placed in a waitlist to be potentially selected for further processing should any initially-selected Registrations fail to submit a full petition to USCIS within the allotted time.

**In the last several years, USCIS has received enough H-1B Registrations within the registration window to more than exhaust both H-1B caps.** Therefore, we expect this to hold true for this year as well.

**Please note your employer cannot file more than one H-1B Cap Registration on your behalf to increase your chances of selection.**

# H-1B CAP ADDITIONAL INFORMATION

## **\*\*Important note about Multiple Registration Entries via different Companies AND the use of Passport/Travel Document\*\***

### **Selection:**

Each unique person who has a registration submitted on their behalf will be entered into the selection process **once**, regardless of how many registrations are submitted on their behalf by different companies.

Remember, each company can only submit you into the registration once.

If you are selected, each company that submitted a registration on your behalf will be notified of your selection and will be eligible to file a petition on your behalf during the applicable petition filing period.

**Please note if you have multiple companies entering you into the registration, you must make sure there is a valid job offer being made.**

More specifically, the companies must sign off on the three points below when submitting an H-Cap registration. The really important element for all your submissions is that the company can honestly confirm and attest to the below three points.

1. All of the information contained in the registration submission is complete, true, and correct;
2. The registration(s) reflect a legitimate job offer; and
3. The registrant, or the organization on whose behalf the registration(s) is being submitted, has not worked with, or agreed to work with, another registrant, petitioner, agent, or other individual or entity to submit a registration to unfairly increase chances of selection for the beneficiary or beneficiaries in this submission.

**\*\*If you are considering having multiple employers file a registration on your behalf, we recommend you seek an independent legal consultation on this matter and make sure that none of your actions could cause a disqualification of any or all of your registrations. We remind you that we have dual representation with your employer, therefore we will need to share with your employer anything you share with us on this matter.\*\***

### **Passports:**

USCIS is instituting a rule which requires that you **only be registered under one passport or travel document.**

In addition, the passport or travel document used in the registration **must** be the same passport or travel document that you intend to use to enter the United States, whether you are abroad at time of registration, or in the United States at the time of registration and will subsequently depart to obtain an H-1B visa and return to the U.S. to request admission as an H-1B nonimmigrant.

In its discretion, USCIS may, in some circumstances, find that a change in identifying information to be permissible. Such circumstances could include, but are not limited to, a legal name change due to marriage, change in gender identity, or a change in passport number or expiration date due to renewal or replacement of a stolen passport, which occurs in between the time of registration and filing the petition. **USCIS may deny or revoke an H-1B petition that does not meet these requirements.**

# H-1B CAP ADDITIONAL INFORMATION

## U.S. MASTER'S DEGREE QUALIFICATION

As noted above, there is an **advanced degree exception cap** that allows **up to 20,000 additional H-1B visas** for individuals who have obtained a **Master's degree (or higher) from a U.S. institution** of higher education.

The U.S. School awarding the degree must be accredited AND a nonprofit or public university. **There are no exceptions.**

In order to be included in the advanced degree cap, you **MUST have completed all requirements of the U.S. Master's degree BEFORE any H-1B visa petition is filed on your behalf.**

This means you must have completed your U.S. Master's degree *before* the H-1B petition is filed; however, it does not have to be completed before the Registration is submitted on your behalf.

If you are selected in the lottery, we would have to file the H-1B petition by **June 30**. However, we **would not be able to file** until you receive your Master's degree certificate and/or proof from your school that you completed all the requirements for your degree.

**If you did not get one of these two things in time to allow us to file by the deadline of June 30** (i.e., if it was delayed for any reason past the filing deadline), **we would not be able to use the H-1B cap selection.** This would mean missing out on an H-1B cap selection.

As such, it may be safer to put you under the Bachelor's H-1B cap, if there is any chance of you not being able to get proof you completed your Master's degree before an H-1B would have to be filed on your behalf.