

## Blog Post

# Preparing for the FY 2026 H-1B Cap Season

March 6, 2025

By [Denise Gavica Perez](#) and [Adam S. Mocciolo](#)

USCIS has announced that registration for this year's H-1B visa lottery will take place between **noon (ET) on March 7, 2025, and noon (ET) on March 24, 2025**. With adjustments to fees, the selection process, and filing methods, employers must plan ahead.

## The Registration Process

- H-1B registrations must be submitted **electronically** through the MyUSCIS Organizational Account, as USCIS no longer accepts paper-based submissions.
- The filing fee will be **\$215** per beneficiary, a significant increase from the previous \$10 fee.

## The Selection Process

- For the second consecutive year, USCIS will conduct the lottery based on **individual beneficiaries**. This means each candidate will be entered into the lottery **only once**, regardless of how many employers submit a registration for the candidate.
- The selection will be done in two stages:
  - The “regular cap” selection of 65,000 slots will be done first from the entire pool, including registrants eligible for the “advanced degree exemption.”

---

### Related People

Denise Gavica Perez  
Adam S. Mocciolo

---

### Related Work

Immigration Planning  
and Compliance  
Labor and Employment

---

### Related Offices

Miami  
New York

---

### HR Defense

Akerman Perspectives  
on the Latest  
Developments in Labor  
and Employment Law

[Visit this Akerman blog](#)

- The advanced degree exemption selection of an additional 20,000 slots will be done second, only among individuals who hold a U.S. master's degree or higher degree and who were not selected in the first stage.
- If a candidate is selected, all employers who submitted a registration for that individual will be notified and given the chance to proceed with filing an H-1B petition.
- USCIS will announce the results of the selection process by March 31, 2025.

### Filing H-1B Petitions for Selected Registrations

Employers whose registrations are selected may begin filing H-1B petitions on **April 1, 2025**. The filing window will remain open for at least **90 days**.

Employers should be mindful not just of the 90-day deadline, but of the expiration of an employee's prior status, which may be earlier. This is a particular concern for employers sponsoring F-1 students who require **cap-gap extensions** of their **Optional Practical Training (OPT)** in order to maintain uninterrupted work authorization.

### Maximum Caution – Register All OPT and TPS Employees Now

While it goes without saying that an employer must make a lottery registration for any employee who will need a cap-subject visa in the coming year to remain with the employer, and for any candidate who will need one to begin working for the employer, these are not the only people an employer should register. The lottery is highly competitive, and multiple lottery entries in successive years significantly improve the likelihood that an employee will be selected and secure long-term work authorization. Therefore, generally:

An employer should register all of its employees who are on **OPT** from student visas every year, even if they have multiple years of OPT remaining due to a STEM extension. A common mistake in workforce

planning is waiting until an employee's final year of OPT eligibility to submit an H-1B registration.

An employer should register all of its employees who are working under **Temporary Protected Status (TPS)** in professional roles requiring university degrees. TPS status exists at the discretion of the presidential administration, which can decide at any time not to extend it. When TPS is not extended for nationals of a given country, they will be left with at most one chance at the H-1B lottery before their TPS runs out, and possibly not even one, depending on the timing of the announcement. Venezuelan and Haitian nationals currently working under TPS are facing exactly this situation for this year's lottery, and nationals of other TPS-eligible countries, and their employers, could easily find themselves in the same circumstances before the year is out. Obtaining an H-1B visa is a proactive safeguard against that uncertainty.

### Key Takeaways

The FY 2026 H-1B cap season presents both opportunities and challenges for employers. With the new **higher registration fee, beneficiary-based selection process**, and evolving immigration policies, **strategic planning is more important than ever**. Employers should **identify candidates early, submit registrations proactively, and take advantage of multiple lottery attempts** to increase the likelihood of securing work authorization, including for **all** OPT and TPS employees. By staying informed and acting decisively, employers can better position themselves to retain key talent and navigate the complexities of the H-1B program successfully. For questions, guidance, or assistance on this issue, reach out to an Akerman immigration team member.

---

This information is intended to inform firm clients and friends about legal developments, including recent decisions of various courts and administrative bodies. Nothing in this Practice

Update should be construed as legal advice or a legal opinion, and readers should not act upon the information contained in this Practice Update without seeking the advice of legal counsel. Prior results do not guarantee a similar outcome.