

# Decoding the H-1B CAP Registration: Navigating the Path to Skilled Foreign Talent

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In preparation for H-1B CAP Registration season, the Department of Homeland Security (DHS) has issued a final rule that limits each foreign worker to one entry into the [H-1B lottery system](#). The H-1B Registration process had previously required companies, or other petitioners, to register with the U.S. Citizenship and Immigration Service (USCIS) and submit their requests for the individuals they sought to sponsor as part of the H-1B process.

In response to an uptick in multiple petitions being filed for the same beneficiary last year, the USCIS and DHS have decided to move to a “beneficiary-centric” process that will allow each unique beneficiary to be entered into the selection process only **once** based on their passport or travel document number. Now, beneficiaries who used to have multiple entries into the system based on multiple potential employers are limited to one entry. The rule is slated to go into effect ahead of the registration period for the FY2025 CAP season which begins in March 2024.

## The Problem

H-1B CAP registration is a program implemented by DHS and the USCIS in response to the high demand for temporary H-1B employees. USCIS uses a lottery system to determine which foreign workers (or beneficiaries) will be eligible to file a cap-subject H-1B petition. In 2019, USCIS developed a registration system that required employers (or petitioners) to complete an online registration process that identified the petitioner and requested workers. Only properly registered petitioners were eligible to file H-1B cap subject petitions.

Prior to the new rule, USCIS did not limit the amount of registrations that could be filed on behalf of a single beneficiary. The result was a system where multiple employers would file registrations for the same beneficiary, giving the beneficiary multiple entries into the H-1B CAP lottery, so long as the employers had different Employer Identification Numbers (EINs).

## The Proposed Solution

The new rule, which is slated to go into effect for FY2025's CAP season, changes the focus of the H-1B lottery to allow for only one entry per beneficiary. This means that even if several employers within a related entity each propose to file a petition for a single beneficiary, the beneficiary only gets **one** entry into the H-1B lottery. Each related entity is still allowed to file, but this does not increase the chances that the beneficiary they file for will be selected. If a selected beneficiary had multiple entities file a registration on their behalf, the beneficiary will have the flexibility to choose which employer will file their H-1B petition. This system will be based on the beneficiary's passport number or travel document number, giving each single beneficiary an equal chance of being selected in the H-1B CAP lottery.

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