USCIS Will Conduct a Second Selection Round for FY 2025 H-1B Cap Registrations

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On July 30, 2024, U.S. Citizenship and Immigration Services (USCIS) <u>announced</u> it would begin selecting additional random H-1B cap registrations from the regular cap to reach its fiscal year (FY) 2025 numerical quota.

Quick Hits

- Only electronic registrations previously submitted for FY 2025 during the March 2024 registration window are eligible.
- USCIS confirmed that this second selection round will not be conducted for the advanced degree exemption—commonly referred to as the "master's cap"—"as enough master's cap registrations were already selected and sufficient petitions were received based on those registrations as projected to meet the FY 2025 master's cap numerical allocation."
- Instead, the second selection will include registrations that indicated eligibility for the master's cap, as well as those registrations that indicated eligibility for the regular H-1B cap.
- USCIS will announce when the selections and notifications are complete, and selected registrations will be available in USCIS accounts.

Commonly referred to as the H-1B cap, the annual availability of new H-1B visas is limited to 85,000 per fiscal year. If USCIS receives more H-1B registrations for new beneficiaries than available H-1B visas in a fiscal year, it conducts a randomized lottery to determine which registrations it will select to be eligible to file an H-1B petition. Registration beneficiaries who have earned a U.S. master's degree or higher may be eligible for the advanced degree exemption, which sets aside 20,000 for an initial lottery selection. Once this 20,000 advanced degree allocation has been satisfied, USCIS will proceed to randomly select from beneficiaries who qualify for the regular cap, as well as any remaining beneficiaries who are qualified for the master's cap.

During its initial FY 2025 H-1B cap registration period, <u>USCIS received 470,342 eligible registrations</u> and selected 120,603. Following the June 30, 2024, close of the initial filing period, USCIS announced on July 30 that it would make additional selections for unique beneficiaries. This second selection round will not be conducted for the master's cap exemption and will instead be conducted

for the regular cap, which includes regular and master's cap eligible beneficiaries. USCIS will announce when it completes its selection process, and, similar to the initial lottery, selected registrations will be made available in USCIS accounts. Once the selection process is complete, petitioners will have at least ninety days to file H-1B petitions with USCIS.

Key Takeaways

With this announcement, employers and beneficiaries not selected after the first H-1B cap selection round now have another chance at an H-1B visa this fiscal year.

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