

USCIS ANNOUNCES SECOND H-1B LOTTERY FOR FY 2025: 4 POINTS FOR EMPLOYERS

Insights
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Federal immigration officials just announced today that they are gearing up to conduct a second round of H-1B selections to ensure all slots for the FY 2025 cap are filled. If you receive new selections, you will be notified soon and given the greenlight to proceed with H-1B sponsorship for candidates not chosen in the first lottery. Here are the top four things you need to know and what you should do now.

1. What is the H-1B Cap Lottery?

Each year, U.S. Citizenship and Immigration Services (USCIS) allocates a limited number of H-1B visas through the cap lottery process. High demand by U.S. employers has made a lottery necessary for each of the past 15 years.

There are 65,000 slots for “regular” H-1B registrations, with an additional 20,000 for individuals with a U.S. master’s degree or higher. To request a spot in a given year, employers need to submit an electronic registration for each sponsored candidate. When this number exceeds the cap, USCIS will conduct a random selection process to determine which registrations will advance further. For selected candidates, employers must then submit a detailed, individual nonimmigrant petition filing. The lottery system ensures a fair distribution of visas when demand surpasses the available supply.

2. When was the Initial H-1B Cap Lottery Conducted?

[In March, USCIS conducted its initial random selection process for the FY 2025 H-1B cap, which included](#)

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registrations for beneficiaries eligible for the advanced degree allotment. Employers with selected registrations during this initial round had to file H-1B cap-subject petitions between April 1 and June 30. After the deadline, USCIS determined how many actually filed their H-1B petitions for the year and whether the cap was met.

3. Why is a Second H-1B Cap Lottery Now Necessary?

USCIS has since determined that additional H-1B selections are necessary to meet the regular cap limit of 65,000 visas for FY 2025. They will soon carry out a second random selection from the previously submitted electronic registrations and notify employers and their legal counsel of any new selections. Those notified will be eligible to file petitions for the applicable workers.

Be on the lookout: Employers with selected registrations will receive updates in their USCIS online accounts, including a selection notice with details on when and where to file. USCIS has not indicated the specific number of selections that it intends to make, but it will make another announcement when the second selection process is completed.

4. What About the H-1B Master's Cap?

A second round of selection for the advanced degree exemption (or "master's cap") will not be conducted, as the initial selections and petitions received were sufficient to meet the allocation. Notably, however, the upcoming selections to fill the regular cap will include both regular cap and master's cap eligible registrations that were previously submitted for the first round.

What Should You Do Now?

- **Check for Updates:** You should check your MyUSCIS account to see if any new H-1B cap registrations were selected.
- **Act Fast:** If so, you should file your petitions before the 90-day window expires.
- **Coordinate.** If any of your foreign national employees are F-1 OPT or STEM OPT employees and were selected, you should note when their EAD work authorizations expire. Under the "cap gap," if their EAD cards expire before October 1, 2024, but not before you file their H-1B cap

petition, you can benefit from the cap gap period to continued employment until October 1, 2024.

- **Prepare for Alternatives:** Missing out on the H-1B visa lottery can be disheartening, but it's not necessarily the end of the road. If you employ foreign nationals, the good news is that you can explore certain short-term, long-term, and even some lesser-known solutions that may ensure foreign national employment in the future. [Click here for an overview of eight key alternatives for workers who are not chosen under the H-1B cap.](#)

Conclusion

We will continue to monitor this situation and provide additional updates as further information is made available by USCIS. We will also be watching clients' USCIS online accounts for any newly selected H-1B registrations made available in the second lottery process. If you or your organization are selected, we will reach out with next steps. In the meantime, make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have further questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney on our [Immigration Practice Group](#).