

AN EMPLOYERS' GUIDE TO NAVIGATING H-1B SEASON: ANSWERS TO YOUR TOP QUESTIONS

Insights

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Are you confused about how to navigate the timelines and requirements for the H-1B cap season? It's complicated! The registration window officially opened today – and employers that want to hire highly skilled foreign workers under the H-1B program have only a few weeks to register before the deadline. Given the high stakes involved, working with experienced immigration counsel is essential to help ensure a smooth process. Read on for the answers to your top questions, including key dates, what changed for FY 2026, and what to expect next.

Are all foreign national workers eligible for the H-1B program?

No. The H-1B program allows businesses to temporarily hire foreign workers in certain highly skilled, specialized occupations that require at least a bachelor's degree or its equivalent in a field related to the duties of the position. Examples of H-1B specialty occupations include architecture, computer science, engineering, construction project management, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts. H-1B visas are highly sought after in tech, healthcare, higher education, finance, and engineering. The visas are valid for up to six years, subject to employer sponsorship and regulatory requirements. You should be aware of [a final rule](#) that took effect at the end of the Biden administration reshaping the eligibility criteria for the H-1B visa program, clarifying which foreign workers can apply for the coveted

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slots, and expanding the reach of the program to cover more workers.

When does the registration period end?

The registration period is open for a limited time each year, typically in March. The registration process for FY 2026 just opened at noon Eastern on **March 7 and will run through noon Eastern on March 24.**

How can my organization file a petition on behalf of a foreign national?

Your [FP immigration attorney](#) is here to help you prepare for this year's H-1B cap registration and petition filings. You'll need to first [create a USCIS online account](#). You'll need an organizational account to submit registrations for the FY 2026 selection process, [which you can learn more about here](#).

How Many H-1B visas are available this year?

The annual cap remains at 85,000, with 20,000 of those reserved for U.S. master's degree holders. Employers across the country submit far more H-1B petitions than are available under this cap, which leads to a lottery system for selection for those foreign workers who do not already have H-1B status.

Does the cap apply to all organizations?

No. Here are some additional H-1B options you may not have known about:

- **H-1B1s are available for nationals from Chile and Singapore**, and while there is an annual cap for these visas, it's not reached as quickly.
- **Some organizations are exempt from the H-1B cap**, including certain non-profit organizations and education institutions.
- **The H-1B visa is portable**. So, you may be able to hire a foreign national who is already in H-1B status working for another U.S. employer, though you will need to file an H-1B transfer petition with USCIS before the foreign national can start work.

Will my organization have to pay a registration fee?

Yes. Employers must register each beneficiary electronically via the USCIS portal by creating an organizational account and paying the fee. The registration fee was raised significantly this year \$10 to \$215 per registration. To accommodate the fee increase and in response to the volume of previous H-1B registrations that exceeded the daily credit card limit, the U.S. Department of Treasury has approved a temporary increase in the daily credit card transaction limit from \$24,999.99 to \$99,999.99 per day for the FY 2026 H-1B cap season.

Did USCIS make any significant changes to organizational accounts for FY 2026?

Yes. USCIS introduced several changes to streamline H-1B filing for organizational and representative accounts. These improvements include:

- **Expanded Paralegal Access:**Paralegals can now work with multiple legal representatives by accepting invitations from different accounts. This allows them to efficiently prepare H-1B registrations, Form I-129 H-1B petitions, and Form I-907 premium processing requests for multiple attorneys under a single account.
- **Simplified Paralegal Management:**Legal representatives can now easily add paralegals to company client accounts.
- **Pre-Populated Form I-129 Fields:**Certain fields on Form I-129 will now pre-populate using data from selected H-1B registrations.
- **Data Uploads:**Employers and legal representatives can now prepare a spreadsheet of H-1B beneficiary data and upload the information to pre-populate data in H-1B registrations.

Will USCIS continue with the beneficiary-centric selection process?

Yes. USCIS will continue with the beneficiary-focused selection process launched during last year's registration process. This process allows multiple people within an organization and their legal representatives to prepare H-1B registrations, petitions, and premium processing requests for cap subject petitions. Under [the Integrity Measures](#) launched last year, individuals can only

register one time under one passport or travel document. This process was designed to prevent multiple registrations for the same individual by different employers and improve fairness in the lottery system and reduce potential misuse.

Do we have to submit the full H-1B cap-subject petition by March 24?

No. H-1B cap-subject petitions should not be filed unless and until your candidate is selected. **Registration** is required by March 24. During the registration window, you will need to use a USCIS online account to submit an electronic registration for each beneficiary and pay the registration fee. Only completed registrations that are timely submitted will be considered for the lottery. If a beneficiary is selected, USCIS will notify you to proceed with next steps.

What are some common mistakes employers make when they submit their electronic registration?

According to USCIS, the top two errors are creating the wrong type of account and entering the same beneficiary more than once. Prospective employers will need to use an organizational account, which was formerly called a registrant account. You should create this type of account even if you will be working with an attorney or accredited representative to submit the registration. (More on duplicate entries below.)

What will happen if we accidentally submit duplicate entries for the same candidate?

USCIS will only accept one registration per beneficiary per year. If you have mistakenly submitted a duplicate entry before the registration window closes, you may take steps to correct the error. However, if the registration period has closed and you have submitted more than one registration for the same beneficiary, USCIS will invalidate all registrations you submitted for that beneficiary. "This does not prevent other prospective petitioners or their representatives from submitting registrations for that same beneficiary, but they too need to ensure that each of them, as a prospective petitioner, only has one registration submitted for the beneficiary," according to USCIS. This highlights the importance of checking for errors before the registration window closes on March 24 at noon ET.

When will we know if our candidate has been selected?

USCIS will select registrations and send selection notifications via users' [MyUSCIS online accounts](#) by the end of March.

If our candidate is selected, what does my organization need to do next?

For selected candidates, employers must then submit a detailed, individual nonimmigrant petition filing. USCIS will accept filings beginning on April 1 through the end of June. [You can read more about the process here.](#)

If our candidate is not selected, will we get another chance for FY 2026?

Possibly. After the filing period closes for the first-round lottery, federal immigration officials might conduct a second or third round of random H-1B selections from the previously submitted electronic registrations to ensure all slots for the FY 2026 cap are filled. So, if your candidate was not selected during the first round, you may be notified of a new selection during that time. If a second lottery is announced, you should check your MyUSCIS account to see if any new H-1B cap registrations were selected. If so, you should file your petitions before the 90-day window expires. But there's no guarantee that a second or third lottery will take place.

What options do we have if our candidate is not selected?

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.](#)

How have recent changes in the White House impacted the H-1B cap program?

If you've been keeping up with the news this year, you know that the Trump administration is making big changes to its immigration policies with a focus on enforcement. Although the news has given extensive attention to the federal government's increased ICE (Immigration and Customs Enforcement) raids to gather and deport undocumented

workers, you should also recognize that USCIS's FDNS (Fraud Detection and National Security) Directorate investigates potential fraud committed by companies that sponsor the various USCIS work authorizations. And the most common actions are investigations confirming employers are following the H-1B employment requirements. [You can read more about these requirements, and how the tech industry in particular will be affected, here.](#)

Will recent federal government layoffs impact the H-1B cap season?

Maybe. USCIS is a fee driven agency that may not be as heavily impacted by the federal government layoffs – but it is not totally immune. Should USCIS implement layoffs, then you can expect longer adjudication times for work authorization sponsorships such as H-1B, L-1, and O-1 visas.

Will a government shutdown impact the H-1B cap registration system?

The federal government is currently funded only until March 15, which is in the middle of the FY 2026 H-1B cap registration process. USCIS confirmed that “in the event of a lapse in appropriations, USCIS will continue to support the H-1B application process via all collection methods, including pay.gov.” However, a government shutdown would negatively impact the FLAG system used to obtain Labor Condition Applications needed to file full H-1B petitions once the lottery results are announced.

Conclusion

We are committed to keeping you informed about further developments and providing updates. Make sure you are subscribed to the [Fisher Phillips' Insight System](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Immigration Practice Group](#).