

And the H-1B Goes To ... USCIS Completes the FY2019 Annual H-1B Lottery Selection Process

Insights

4.13.18

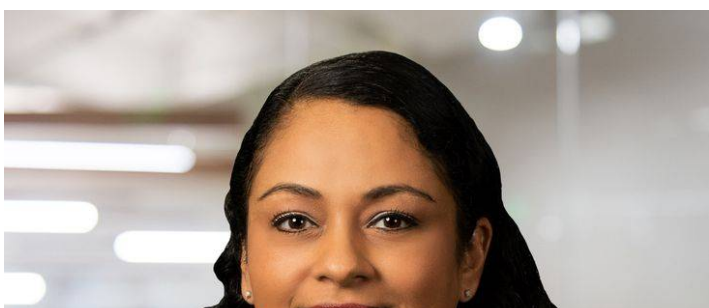
Were you one of the lucky few to “win” one of the 85,000 H-1B visa numbers in this year’s random selection process held by the U.S. Citizenship and Immigration Services (USCIS) lottery? The USCIS held its annual lottery drawing on April 11, 2018 to pick the congressionally mandated 65,000 Bachelor’s cap and 20,000 Master’s cap petitions that will be processed this year for the 2019 fiscal year. The agency will begin sending out receipt notices for the selected petitions. As in years past, the USCIS will reject and return all unselected petitions with the uncashed filing fee checks.

The agency announced that it received 190,098 H-1B petitions during the 2018 lottery application period. This is the second year in which we have seen a decline in the number of H-1B petitions submitted under this annual lottery process (down from 199,000 in FY2018 and 236,000 in FY2017). This downward trend may represent a reluctance by U.S. employers to invest in foreign workers, perhaps due to increased visa costs, security concerns, and concerns about the future of immigration legislation under the Trump administration.

The USCIS will continue to accept and process cap-exempt H-1B petitions for those current H-1B workers who have been counted under the cap in prior years and who continue to hold their cap number (e.g., extending the time for a current H-1B worker, a change of employer petition for a current H-1B worker, etc.).

For those petitions that are rejected and returned, you may be able to try again next year in the FY2020 lottery. In the meantime, please contact an attorney from the Fisher Phillips [Global Immigration Practice Group](#) to discuss any available options for those foreign nationals who did not hold a winning lottery number.

Related People





Shanon R. Stevenson

Partner

404.240.5842

Email