

H-1B CAP WEIGHTED BY WAGE

What is the Cap?

- **Annual limit on new H-1B visas:**
 - 65,000 Regular H-1Bs
 - 20,000 U.S. Master's (or higher) holder
- **Selection Process (Lottery)**
 - When demand exceeds available visas, USCIS conducts a **computer-generated selection**
 - Selection is now weighted by wage level.
- **Specialty Occupation Requirement**
 - Position must require a **Bachelor's degree (or higher) in a specialized field**



General Timeline

- **January** - Identify H-1B cap candidates. Begin pre-registration planning.
- **February** - Refine role, wage, and worksite alignment. Prepare registration details.
- **March** - myUSCIS account setup. Attorney submits H-1B registrations. USCIS conducts weighted selection.
- **April-June** - File H-1B petitions for selected registrations



Pre-Registration Groundwork

Employers (Jan-Feb):

- Identify H-1B cap candidates
- Designate authorized signatory
- Begin coordination with immigration counsel

Employers + Immigration Counsel (Feb-Mar):

- Confirm role duties, work location, SOC code, and OEWS wage level
- Align wage level with job structure and business need
- Plan for candidates on OPT, STEM OPT, CPT, or other status

March:

- Employer activates myUSCIS account
- Attorney submits H-1B registrations

Foreign Nationals:

- Provide educational, immigration, and employment documents
- Check passport validity and renew if needed
- Plan for credential evaluation, if required
- Plan for very limited or no to travel abroad
(International travel will generally be unavailable during the cap process)

Registration & Selection (March)

- Employer creates and uses myUSCIS account
- Immigration counsel prepares registration and Form G-28
- USCIS passcode "handshake" authorizes counsel
- Counsel submits and monitors registrations
- USCIS conducts computer-generated, wage-weighted selection
- Results posted in myUSCIS account



Selected H-1B Registrant - Now What?

- Congratulations – your registration was selected
- Selection allows filing of the H-1B petition
- Important: Selection is not approval – next steps follow quickly
- Filing window runs April through June
- A "What Happens Next" guide will follow



Not Selected - Options Beyond the H-1B?

- It's Not the End of the Road.
- Explore alternative visas (F-1, L-1, O-1, TN), other strategies and/or plan for the next cycle.



Key Takeaways

- **The H-1B cap is still a lottery...** now weighted by wage level
- **Proactive preparation matters more than ever:** role, wage, and location alignment are critical
- **Lower wage roles are still eligible**, but planning must start earlier and be more deliberate
- **Many successful cases require** more than one entry and multi-track planning

***This material is not intended to substitute as legal advice.**