

Global Immigration alert

July 2025

United States

USCIS reaches Fiscal Year 2026 H-1B cap

Executive summary

On 18 July 2025, the U.S. Citizenship and Immigration Services (USCIS) announced that it has received enough petitions to meet the congressionally mandated regular and advanced degree H-1B caps for fiscal year (FY) 2026. Consequently, USCIS will not conduct a second H-1B lottery for FY 2026.

Background and analysis

The H-1B program allows U.S. employers to temporarily employ foreign workers in specialty occupations that require the application of theoretical and practical knowledge, as well as a minimum of a bachelor's degree or higher in a directly related field. Congress has established an annual cap of 65,000 for the H-1B visa category. Additionally, there are 20,000 cap numbers allocated for beneficiaries who have earned a U.S. master's degree or higher.

During the registration period for the H-1B cap for FY 2026, which ran from 7 March to 24 March, USCIS received approximately 336,153 registrations for eligible unique beneficiaries. Of these, USCIS selected 118,660 unique beneficiaries, resulting in a total of 120,141 selected registrations in the initial selection for the FY 2026 H-1B cap.

Since the introduction of a beneficiary-centric H-1B lottery selection process in FY 2025, USCIS randomly selects each unique beneficiary identified in the registration pool, regardless of the number of registrations submitted on their behalf. Data from the FY 2025 and FY 2026 H-1B cap registration periods indicates a significant decrease in the total number of registrations submitted and eligible

beneficiaries compared to FY 2025. Notable data points include:

- The number of unique employers for FY 2026 (approximately 57,600) compared to FY 2025 (approximately 52,700).
- The number of eligible unique beneficiaries for FY 2026 (approximately 339,000) compared to FY 2025 (approximately 442,000).
- The number of eligible registrations for FY 2026 (343,981) compared to FY 2025 (470,342), reflecting a reduction of nearly 27%.
- Overall, USCIS observed an average of 1.01 registration per beneficiary for FY 2026 down from 1.06 for FY 2025, which indicates that each beneficiary had about one registration submitted on their behalf.

USCIS continues to emphasize its commitment to deterring and preventing abuse of the H-1B registration process. All information contained in the registration must be complete, true, and correct, and the registration must reflect a genuine and legitimate job offer. If USCIS determines that any of the information provided is not true and correct, they may deny the filed petition, or revoke an approved petition.

What this means

With USCIS having reached the quota for the H-1B cap, there are no further opportunities for cap-subject H-1B employment in FY 2026 with the exception of cap-subject petitions filed for concurrent employment of beneficiaries

for whom a cap-exempt H-1B petition has already been filed.

Employers with beneficiaries whose registrations were not selected for this year's lottery may submit another registration when the registration period opens for FY 2027. Please contact your EY Law LLP professional or Mehlman Jacobs LLP professional to discuss potential options for employees whose registrations were not selected for this year's cap.

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