

Global Immigration alert

February 2025

United States

USCIS announces FY 2026 H-1B Cap registration period

Executive summary

U.S. Citizenship and Immigration Services (USCIS) has announced that the initial registration period for the fiscal year (FY) 2026 H-1B Cap will run from 7 to 24 March 2025. During this period, prospective petitioners and representatives will be able to complete and submit registrations using the agency's online H-1B registration system.

Background and analysis

On 5 February, USCIS announced that it will open the H-1B Cap registration period for FY 2026 on Friday, 7 March 2025 at 12pm EST, and will permit the submission of registrations through to 12pm EST on Monday, 24 March.

Prospective H-1B cap-subject petitioners must first submit the electronic registration and pay the required \$215 fee for each beneficiary using a myUSCIS online account during the registration period. For H-1B petitioning employers who previously held an H-1B registrant account for FY 2021 to FY 2024 but did not use the account for FY 2025, the existing account will be automatically converted into organization accounts upon their next login. New petitioning employers must create an organization account before they can submit H-1B registrations, which can be created at any time through to the 24 March deadline.

For FY 2026, the H-1B registration fee has increased to \$215 per beneficiary, up from \$10 the prior year. The fee increase was announced in FY 2025, as part of a broader USCIS initiative aimed at improving processing times and covering increasing administrative costs.

USCIS will continue to use a beneficiary-centric H-1B lottery selection process that was put in place in FY 2025. Under the beneficiary-centric selection system, the random selection process is based on each unique beneficiary identified in the registration pool, as opposed to individual employer registrations.

Prospective petitioners or representatives will be able to draft, edit, and sign cap registrations prior to final payment and submission. However, registrations cannot be submitted until 7 March. All H-1B cap registrations for FY 2026 must be submitted by 24 March.

Additionally, USCIS has introduced several improvements to organizational and representative accounts to streamline the H-1B registration and filing process:

- ▶ Paralegals can now work with multiple legal representatives and prepare H-1B registrations and petitions within a single account.
- ▶ Legal representatives can easily add paralegals to their company clients.
- ▶ Certain fields in Form I-129 will pre-populate from selected H-1B registrations.
- ▶ There will be an option to prepare a spreadsheet of H-1B beneficiary information and upload the data into the system to pre-populate H-1B registration fields.

These enhancements will be live before the initial registration period begins on 7 March.

What this means

If USCIS receives enough registrations by 24 March, the agency will conduct a random lottery and send selection

notifications via users' myUSCIS online accounts. In the unlikely event that USCIS does not receive enough registrations to meet the congressionally-mandated annual 85,000 cap, all registrations for unique beneficiaries that were properly submitted in the initial registration period will be selected.

USCIS intends to conduct the selection process and notify prospective petitioners and representatives by 31 March. If selected, a petitioner is eligible to file an H-1B cap-subject petition during the associated filing period, which will be reflected on the selection notice from USCIS.

The petition filing period for the FY 2026 H-1B cap has not yet been announced. Based on prior years, it is expected that USCIS will start accepting H-1B cap petitions for selected beneficiaries on 1 April with a filing window of up to 90 days.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

EY Law LLP

Batia Stein, Partner
+1 416 943 3593
batia.j.stein@ca.ey.com

Roxanne Israel, Partner
+1 403 206 5086
roxanne.n.israel@ca.ey.com

Marwah Serag, Partner
+1 416 943 2944
marwah.serag@ca.ey.com

Jonathan Leebosh, Partner
+1 604 899 3560
jonathan.e.leebosh@ca.ey.com

Melanie Bradshaw, Partner
+1 416 943 5411
melanie.bradshaw@ca.ey.com

Stephanie Lipstein, Partner
+1 514 879 2725
stephanie.lipstein@ca.ey.com

Mehlman Jacobs LLP
Sharon Mehlman, Partner
+1 858 404 9350
sharon.mehlman@mehlmanjacobs.com

Dilnaz A. Saleem, Partner
+1 713 750 1068
dilnaz.saleem@mehlmanjacobs.com

Author: Jane Chung, Senior
+1 416 932 6054
jane.chung@ca.ey.com

EY | Building a better working world

EY exists to build a better working world, helping create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

Follow us on X @EYCanada

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit ey.com.

About EY Law LLP

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. Ernst & Young LLP in the US does not practice law, nor does it provide immigration or legal services. For more information, please visit EYLaw.ca.

About Mehlman Jacobs LLP

Mehlman Jacobs LLP specializes in immigration law and provides legal and strategic advice to employers and their employees on all stages in the immigration process. Providing boutique, customized experience, the firm aims to provide transparency to an often complex and uncertain environment. Mehlman Jacobs, a California Limited Liability Partnership, limited to the practice of immigration law, is a member of Ernst & Young Global Limited and is independently owned and operated by US licensed lawyers.

© 2025 Ernst & Young LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 001068-25Gb1

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact us or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on information contained in this publication.