



# SHIPMAN

## FISCAL YEAR 2027 H-1B LOTTERY

The initial registration period for the fiscal year 2027 H-1B lottery will open at **12pm EST on March 4, 2026 and run through 12pm EST on March 19, 2026**. Learn more below about what you can expect during the upcoming H-1B lottery season, including the introduction of a weighted selection process. This flyer is intended for general information purposes only and does not constitute legal advice. Please reach out to Nina Pelc-Faszczka ([npelcfaszczka@goodwin.com](mailto:npelcfaszczka@goodwin.com)) with any questions on the lottery process and/or to discuss registering one or more of your employees.

### WHAT IS H-1B STATUS?

H-1B status is the primary nonimmigrant visa status for professional workers in the U.S. It is for occupations that are deemed to be a “specialty occupation”, in that they normally require the attainment of at least a bachelor’s degree (or equivalent experience) in a field of study related to the occupation. The foreign worker must also possess the required degree or equivalent experience.

### WHAT IS THE H-1B LOTTERY?

The number of H-1B petitions that can be filed for first-time\* H-1B applicants is statutorily capped\*\*; it is currently set at 65,000, with an additional 20,000 reserved for those with a U.S. master's degree or higher. Every year there are more individuals seeking H-1B status for the first time\* than there are available slots, and therefore U.S. Citizenship and Immigration Services (USCIS) conducts an electronic lottery process to determine who is eligible to file for H-1B status that year.

*\*Certain H-1B applicants that are not applying for H-1B status for the first time may be subject to the lottery.*

*\*\*Certain employers and individuals are exempt from this cap (including institutions of higher education).*

### WHO SHOULD AN EMPLOYER REGISTER IN THE LOTTERY?

An employer should register in the lottery any individual who will, or may in the future, require H-1B status to work for the employer in the U.S., as long as the offered position and the beneficiary will qualify for H-1B status. This includes, but is not limited to, workers with finite periods of work authorization like F-1 students working pursuant to Optional Practical Training (OPT) or L-1 visa holders who may be nearing their maximum period of stay, and individuals working with uncertain or unstable work authorization such as those with certain Employment Authorization Documents (EADs). Some employers may also have individuals residing outside of the U.S. who they will want to register, such as employers with foreign affiliates or otherwise with recruits abroad.

*Note that an H-1B petition for an individual outside of the U.S. may be subject to the \$100,000 H-1B fee. Certain individuals in the U.S. may also be subject, depending on the circumstances.*

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## REGISTRATION PROCESS AND FEE

The lottery selection takes place electronically, including the registration process. An employer that would like to sponsor a foreign worker for H-1B status must register that individual during the designated registration period noted above, and pay a \$215 fee (per registration). This fee is nonrefundable and must be paid online at the time of registration. Note that the registration fee is separate from any other fees that might need to be paid later if the registration is selected in the H-1B lottery.

## LOTTERY SELECTION PROCESS

### **BENEFICIARY-CENTRIC SELECTION PROCESS:**

Multiple employers may submit registrations on behalf of the same beneficiary, though the beneficiary is only entered once into the lottery regardless of how many employers choose to register that individual (caveat: see the note below about the new weighted selection process, which would result in certain beneficiaries being entered more than once). Unique beneficiaries are generally identified by provided passport or travel document information.

### **WEIGHTED SELECTION PROCESS:**

USCIS has implemented a new selection process for the fiscal year 2027 H-1B cap lottery<sup>\*\*\*</sup>. Under the new rules, lottery selection would no longer be completely random. Instead, registrations for individuals with higher wages (in relation to others in similar occupations in the geographic area of employment) will have a better chance of being selected than those with lower wages; those with higher wages will have their names entered into the lottery more than once, depending on the corresponding wage level (which is prescribed by the U.S. Department of Labor).

*\*\*\*Note: The weighted selection process may be challenged in court, which could delay or stop its implementation.*

### **FILING AN H-1B PETITION:**

If a beneficiary's registration is selected in the lottery, the employer will then be permitted to file an H-1B petition with USCIS on behalf of that beneficiary. Once the lottery registration period closes and USCIS announces the results, employers have a period of 90 days to file the H-1B petition (usually starting April 1<sup>st</sup>). Lottery selection does not guarantee approval of the H-1B petition; the filing must still meet all requirements for approval of H-1B status.

### **ADDITIONAL CONSIDERATIONS:**

- USCIS may reject a registration for a beneficiary if multiple employers register that beneficiary with inconsistent information (such as conflicting passport information).
- USCIS may deny or revoke an H-1B registration or petition if the registration contains false information or if the registration fee is not properly paid.
- For those selected in the lottery, H-1B employment can start no earlier than October 1<sup>st</sup>.



## QUESTIONS?

Please reach out to Nina Pelc-Faszczka, Chair of Shipman's Immigration Practice with any immigration-related inquiries. Nina is in Shipman's Hartford office and can be reached by phone at 860.251.5024 or by email at [npelcfaszczka@goodwin.com](mailto:npelcfaszczka@goodwin.com).

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