

Legal Alerts

Employer Guide to the 2025 H-1B Cap Registration Process

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H-1B cap filing season is fast approaching. U.S. employers sponsoring foreign workers for temporary H-1B visas should begin preparing for the new electronic registration starting March 7, 2025.

Understanding the H-1B Cap

The H-1B visa is the standard professional U.S. work visa, subject to an annual quota (or “cap”) on new visas. Each year, 65,000 H-1B visas are available, with an additional 20,000 reserved for U.S. master's degree holders. Individuals who have not previously held H-1B status are generally subject to this cap.

In recent years, the cap has been oversubscribed. When this happens, U.S. Citizenship & Immigration Services (USCIS) opens a designated registration window, accepting electronic applications for new H-1Bs. If the number of registrations exceeds the quota, USCIS conducts a random lottery to select applicants eligible to file H-1B petitions within the following 90 days.

What to Expect from This Year's Process

For petitioners submitting complete physical filings for sponsored employees, the H-1B cap registration process will open at **noon Eastern on March 7, 2025**, and close at **noon Eastern on March 24, 2025**. This process will be conducted online, requiring petitioners to register each potential H-1B beneficiary during this period. A \$215 fee applies per registration. If registrations exceed the annual quota, USCIS will conduct a lottery and notify petitioners of selected beneficiaries. Petitioners will then have 90 days to submit full H-1B petitions. Typically, these petitions are processed in late spring and summer, sometimes extending into the fall. Approved H-1B cases will take effect no earlier than October 1, 2025.

Identifying Employees for H-1B Sponsorship

Any employees or potential employees who have not previously held H-1B status are subject to the H-1B cap. Common employee situations where H-1B sponsorship is recommended are:

- Employees in F-1 student status who are currently working pursuant to Curricular or Optional Practical Training (CPT or OPT).
- Employees in a dependent status (e.g. H-4*, L-2, etc.) with work authorization.

*The future of the H-4 EAD is uncertain. We would recommend sponsoring any individuals working on H-4 employment authorization documents for H-1Bs.

- For employees in TN, E-3 or H-1B1 status, we recommend sponsoring them for H-1B status if you plan to pursue lawful permanent residence (i.e., a green card) on their behalf. TN, E-3 and H-1B1 visas require temporary intent, making them less suitable for individuals in the green card process. In contrast, the H-1B visa permits both temporary and permanent intent to remain in the U.S., offering a more advantageous status for employees seeking permanent residency.

Next Steps

Foster Garvey offers a team of highly knowledgeable professionals with extensive experience in federal immigration law. Employers are encouraged to notify us at their earliest convenience if they intend to sponsor employees for H-1B status this year. Early notice will allow sufficient time to assess eligibility and prepare the necessary registration ahead of the filing window, ensuring timely processing for this year's H-1B cap.

For questions regarding the upcoming H-1B cap or immigration sponsorship and compliance matters, please contact [Leo C. Peng](#) or any member of our [Labor, Employment & Immigration](#) team.

This alert is intended to provide general information and does not constitute legal advice. Always consult with counsel for specific guidance tailored to your needs.

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