

Legal Alerts

Preparing for the 2026 H-1B Cap Registration Season

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H-1B cap filing season is approaching. U.S. employers sponsoring foreign workers for temporary H-1B visas should begin preparing now for this year's electronic registration process, which will open earlier and includes important procedural changes affecting the selection process.

Understanding the H-1B Cap

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

In recent years, the cap has been oversubscribed. When registrations exceed the available quota, U.S. Citizenship and Immigration Services (USCIS) opens a designated registration window and conducts a selection process to determine which employers may submit full H-1B petitions.

2026 Registration Period

For this year's cap season, USCIS will open the electronic registration period as follows:

Opening: March 4, 2026 at 12:00 pm Eastern

Closing: March 19, 2026 at 12:00 pm Eastern

Employers must register each potential H-1B beneficiary through the USCIS online system during this period. The government filing fee remains \$215 per registration, which must be paid by the sponsoring employer as a business expense.

If registrations exceed the annual quota, USCIS will conduct the selection process and notify petitioners of selected beneficiaries. Employers whose registrations are selected will have approximately 90 days to submit complete H-1B petitions. These petitions are typically processed in late spring and summer, sometimes extending into the fall.

New for 2026: Weighted Selection System

This year, the government is implementing a weighted selection system based on the offered wage level for the position and intended work location.

Under this system, registrations for unique beneficiaries will be entered into the selection process multiple times according to the Department of Labor prevailing wage level assigned to the position's Standard Occupational Classification (SOC):

- **Level IV:** 4 entries
- **Level III:** 3 entries
- **Level II:** 2 entries
- **Level I:** 1 entry

Higher wage levels therefore receive greater representation in the selection process. As a result, wage level determinations, SOC classifications and job details must be accurate and fully supportable at the time of registration.

Identifying Employees for H-1B Sponsorship

Any employees or prospective employees who have not previously held H-1B status are subject to the H-1B cap. Common situations where H-1B sponsorship may be appropriate include:

- Employees in F-1 student status working pursuant to Curricular Practical Training (CPT) or Optional Practical Training (OPT)
- Employees in dependent classifications (such as H-4 or L-2) with work authorization
- Employees in TN, E-3 or H-1B1 status where an employer intends to pursue lawful permanent residence sponsorship (i.e. a green card)

TN, E-3 and H-1B1 classifications require temporary intent. Transitioning eligible employees to H-1B status may provide greater flexibility where an employer plans to pursue permanent residence sponsorship.

Employer Preparation Requirements

USCIS now expects employers to have key information finalized before registration submission and to attest that the offered position represents a bona fide job opportunity. For each FY2027 H-1B cap registration, employers must:

- Identify the appropriate SOC code for the position
- Provide a detailed job description outlining duties and responsibilities
- Specify all intended worksite locations
- Attest to the offered H-1B wage
- Determine the correct prevailing wage level (Levels I-IV) based on OEWS wage data
- Maintain documentation supporting wage level determinations and location analysis
- Provide complete beneficiary biographical information, including valid passport details consistent across registrations

Next Steps for Employers

Employers are encouraged to notify counsel at their earliest convenience if they intend to sponsor employees for H-1B status this year. Early notice allows sufficient time to assess eligibility, confirm wage level determinations and prepare registrations ahead of the filing window.

For questions regarding the upcoming H-1B cap season or immigration sponsorship planning, 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. Employers should consult counsel regarding specific circumstances.

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