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H-1B Cap Season

i **ALERT: Important Filing Deadline Information for FY2025 H-1B Cap Subject Petitions**

The deadline for filing H-1B cap subject petitions **online**, based on a valid registration selection notice, is **June 30, 2024**.

Because June 30 falls on a Sunday, consistent with [USCIS policy](#), USCIS will consider properly filed **paper** H-1B cap subject petitions received at a USCIS Lockbox Facility on **July 1, 2024**, as timely filed (i.e., USCIS will consider the paper-filed H-1B petitions to have been received on June 30).

i **ALERT:** USCIS has extended the initial registration period for the fiscal year (FY) 2025 H-1B cap. The initial registration period, which opened at noon Eastern on March 6, 2024, and was originally scheduled to run through noon Eastern on March 22, will now run through noon Eastern on March 25, 2024. USCIS is aware of a temporary system outage experienced by some registrants, and is extending the registration period to provide additional time due to this issue. Read more here: [USCIS Extends Initial Registration Period for FY 2025 H-1B Cap](#).

i **ALERT:** On April 1, 2024, USCIS service centers will no longer accept Form I-129 petitions requesting H-1B or H-1B1 (HSC) classification.

We will reject H-1B or H-1B1 (HSC) petitions received at a USCIS service center on or after April 1, 2024. There will be **no grace period** provided.

Beginning on April 1, 2024, all paper-filed Form I-129 petitions requesting H-1B1 (HSC), or H-1B classification, including those with a concurrent Form I-907, Request for Premium Processing Service, and those with concurrently filed Form I-539 and/or Form I-765, must be filed at a USCIS lockbox facility. If you are filing Form I-129 alone or with Form I-907, you may also file online. On March 25, USCIS launched online filing of Form I-129 and associated Form I-907 for non-cap H-1B petitions. On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected. You can find the lockbox filing addresses for paper filed forms on our [Form I-129 Direct Filing Addresses](#) page.

i ALERT: On March 25, USCIS launched online filing of Form I-129 and associated Form I-907 for non-cap H-1B petitions. On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

On Feb. 28, 2024, we launched new [USCIS organizational accounts](#) that will allow multiple people within a company and their legal representatives to collaborate and prepare H-1B registrations, H-1B petitions, and associated requests for premium processing.

Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts.

i ALERT: On Feb. 28, 2024, we launched new [USCIS organizational accounts](#) that will allow multiple people within a company and their legal representatives to collaborate and prepare H-1B registrations, H-1B petitions, and associated requests for premium processing. A new organizational account is required to participate in the [H-1B Electronic Registration Process](#) starting in March 2024.

The H-1B Program

The H-1B program allows companies and other employers in the United States to temporarily employ foreign workers in occupations that require the theoretical and practical application of a body of highly specialized knowledge and a bachelor's degree or higher in the specific specialty, or its equivalent. H-1B specialty occupations may include fields such as architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts. For more information about the H-1B program, visit our [H-1B Specialty Occupations](#) webpage.

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How USCIS Determines if an H-1B Petition Is Subject to the Cap

We use the information provided during the [electronic registration process](#) to help us determine if a petition is subject to the congressionally mandated cap of 65,000 H-1B visas (commonly known as the “regular cap”) or the advanced degree exemption. The advanced degree exemption is an exemption from the H-1B cap for beneficiaries who have earned a U.S. master’s degree or higher and is available until the number of beneficiaries who are exempt on this basis exceeds 20,000.

Congress set the current annual regular cap for the H-1B category at 65,000. Not all H-1B nonimmigrant visas (or status grants) are subject to this annual cap. Please note that up to 6,800 visas are set aside from the 65,000 each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore free trade agreements. Unused visas in this group become available for H-1B use for the next fiscal year’s regular H-1B cap.

H-1B workers performing labor or services in the Commonwealth of the Northern Mariana Islands (CNMI) and Guam may also be exempt from the H-1B cap (see the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110-229). H-1B workers in Guam and the CNMI are exempt from the H-1B cap if their employers file the petition before Dec. 31, 2029.

When to File an H-1B Cap-Subject Petition

H-1B cap-subject petitions, including those eligible for the advanced degree exemption, may not be filed unless based on a valid and selected registration for the beneficiary named in the petition (unless the registration requirement is suspended).

You may file an H-1B petition no more than 6 months before the employment start date requested for the beneficiary. On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts. For paper-filed forms, you must file the petition at the correct location. Please see our [Direct Filing Addresses for Form I-129](#) page.

How to Ensure You Properly File Your H-1B Cap-Subject Petition

1. Complete all required sections of [Form I-129, Petition for a Nonimmigrant Worker](#), including the H Classification Supplement and the H-1B Data Collection and Filing Fee Exemption Supplement in accordance with the regulations and form instructions. Please be sure to access the most current versions of forms at uscis.gov/forms.
2. You must indicate a start date of Oct. 1 or later (of the applicable fiscal year, and 6 months or less from the receipt date of the petition) on your petition or your petition will be rejected or denied.

3. You must provide a copy of the H-1B Registration Selection Notice for the registration filed by your organization on behalf of the beneficiary with the petition. Ensure that you have also entered the corresponding “Beneficiary Confirmation Number” on the H Classification Supplement (Page 13, Question 5).
4. You must submit evidence of the beneficiary’s passport or travel document used at the time of registration to identify the beneficiary.
5. Ensure that any information provided during the electronic registration process matches the information provided on the petition. If any information does not match, you should provide an explanation with your petition and supporting documentation as to why there was a change or why the information does not match. If information on the registration and petition does not match, USCIS may reject or deny the petition. USCIS encourages the use of a brightly colored coversheet flagging the issue to ensure that this is reviewed upon receipt.
6. Make sure each form is properly signed. Ensure all signatures comply with the requirements described in the form instructions and as explained in the [USCIS Policy Manual](#).
7. Required fees may be paid by check, money order, or [credit card](#). If paying the required fees by check or money order, include signed checks or money orders with the correct fee amount. Please submit separate checks for each fee associated with the filing. Place all checks on the top of your petition packet.
8. Submit all required documentation and evidence with the petition at the time of filing to ensure timely processing.
9. Ensure that the Labor Condition Application (LCA) properly corresponds to the position in your petition.
10. For paper-filed forms, you must file the petition at the correct location. See the section below on **Where to Mail Your H-1B Petition**.
11. Ensure that the petitioner’s name on the Form I-129 petition is the same as the petitioner’s name on the G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, if filing a Form G-28.

Note: It is your responsibility to ensure that Form I-129 is completed accurately and submitted properly.

Additional Documents Required with Your Petition



Labor Condition Application (LCA)

When filing your H-1B petition with USCIS, you must include evidence that an LCA (ETA 9035) has been certified by the U.S. Department of Labor. This may include a copy of the signed, certified LCA. (Note: USCIS encourages petitioners to keep Department of Labor LCA processing times in mind when preparing the H-1B petition and to plan accordingly.) If the LCA was previously submitted in a petition that has been approved, you must submit a list including the name and USCIS case receipt number of any foreign worker who has previously used the LCA. You may not use an LCA for more workers than specified in Part B, Question 7 of the LCA.

Please see the Department of Labor's [Office of Foreign Labor Certification](#) website for more information on the LCA process.

Evidence of Beneficiary's Educational Background

You must submit evidence of the beneficiary's education credentials (with English translations when applicable) at the time you file your petition. If the beneficiary has met all of the requirements for a degree, but the degree has not yet been awarded, you may submit the following alternate evidence:

- A copy of the beneficiary's final transcript; or
- A letter from the registrar confirming that the beneficiary has met all of the degree requirements. If the educational institution does not have a registrar, then the letter must be signed by the person in charge of educational records where the degree will be awarded.

If you indicate that the beneficiary is qualified based on a combination of education and experience, please provide substantiating evidence at the time you file your petition.

Multiple or Duplicative Filings

Petitioners may not file multiple or duplicative H-1B petitions for the same beneficiary. To ensure fair and orderly distribution of available H-1B visas, we will deny or revoke multiple or duplicative petitions filed by an employer (including its related entities that filed without a legitimate business need) for the same H-1B worker and will not refund the filing fees. Multiple or duplicative petitions will be denied or revoked even if they are filed pursuant to a selected registration. For additional information, please see 8 CFR 214.2(h)(2)(i)(G); [PM-602-0159](#), [Matter of S- Inc., Adopted Decision 2018-02 \(AAO Mar. 23, 2018\)](#) [\(PDF, 123.38 KB\)](#).

Where to Mail Your H-1B Petition

On April 1, USCIS will begin accepting online filing for H-1B cap petitions and associated Forms I-907 for petitioners whose registrations have been selected.

Petitioners will continue to have the option of filing a paper Form I-129 H-1B petition and any associated Form I-907 if they prefer. However, during the initial launch of organizational accounts, users will not be able to link paper-filed Forms I-129 and I-907 to their online accounts. For paper-filed forms, you must file your petition at the correct location. We have specific mailing addresses for cases that are subject to the H-1B cap. To determine the correct mailing address see our [Direct Filing Addresses for Form I-129, Petition for a Nonimmigrant Worker page](#).

Please read the filing instructions carefully. If you file your petition at the wrong location, we may reject it. Rejected petitions will not retain a filing date. If your petition is rejected because it was filed at the wrong location, you may refile your rejected petition at the correct location as long as the petition is refiled during the designated 90-day filing window on your Registration Selection Notice.

Required Fees

There are different fees depending on the type of H-1B petition you are submitting. Please refer to the [Fee Schedule](#) and [H and L Filing Fees for Form I-129, Petition for a Nonimmigrant Worker](#) page for detailed instructions on H-1B fees.

On Jan. 31, 2024, DHS [published](#) the [Fee Schedule final rule](#) to adjust certain immigration and naturalization benefit request fees for the first time since 2016. The new fees will be effective April 1, 2024. Applications and petitions postmarked on or after April 1, 2024, must include the new fees or we will not accept them.

There will be **no grace period** for filing the new version of [Form I-129, Petition for a Nonimmigrant Worker](#), because it must be revised with a new fee calculation.

USCIS encourages stakeholders to visit the [Fee Rule Frequently Asked Questions](#) page to view a full list of the revised forms that will go into effect on April 1, 2024, along with the new fees.

The U.S. Department of Treasury has approved a temporary increase in the daily credit card transaction limit from \$24,999.99 to \$99,999.99 per day for H-1B registrations and petitions submitted **online** using one credit card for the FY 2025 H-1B cap season. This temporary increase is in response to stakeholder feedback and the volume of previous H-1B registrations that exceeded the daily credit card limit.

Checks

Check must be:

- Payable to the Department of Homeland Security;
- Include the proper amount and signature.

We prefer that you submit a separate check for each fee. For example, if you are required to pay the base filing fee, the fraud fee, and the ACWIA fee, you should submit three separate checks. If you only submit one check as combined payment for all applicable fees and certain fees do not apply or are incorrect, we will reject your H-1B petition.

Money Orders

Money orders must be properly endorsed.

Incorrect Filing Fee

We will reject all petitions submitted with the incorrect filing fee.

Premium Processing Service

Premium processing is currently available for all H-1B petitions. Additional information is available on our [How Do I Request Premium Processing?](#) page.

As a reminder, USCIS recently [announced](#) a [final rule](#) that will increase the filing fee for Form I-907, to adjust for inflation, effective Feb. 26, 2024. If USCIS receives a Form I-907 postmarked on or after Feb. 26, 2024, with the incorrect filing fee, we will reject the Form I-907 and return the filing fee. For filings sent by commercial courier (such as UPS, FedEx, and DHL), the postmark date is the date reflected on the courier receipt.

Organizing Your H-1B Package

Preferred order of documents at time of submission:

1. Form G-28 (if represented by an attorney or accredited representative)
2. Copy of the Registration Selection Notice for the Beneficiary Named in the Petition
3. Form I-129, Petition for a Nonimmigrant Worker
4. Addendums/Attachments
5. H Classification Supplement to Form I-129 and/or Trade Agreement Supplement to Form I-129 (for H-1B1 Chile-Singapore petitions)
6. H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement
7. All supporting documentation to establish eligibility. Provide a table of contents for supporting documentation and separate the items as listed in the table.
8. Arrival-Departure Record (Form I-94) if the beneficiary is in the United States
9. SEVIS Form I-20 if the beneficiary is a current or former F-1 student or F-2 dependent
10. SEVIS Form DS-2019 if the beneficiary is a current or former J-1 or J-2
11. Form I-566 if the beneficiary is a current A or G nonimmigrant
12. Department of Labor certified LCA, Form ETA 9035
13. Employer/attorney/representative letter(s)
14. Other supporting documentation

USCIS requests that petitioners no longer provide duplicate copies of their Form I-129 petition or supporting evidence, as this can result in misidentification of filings. Due to enhanced electronic scanning capabilities and data-sharing with the U.S. Department of State, duplicate copies are no longer needed to avoid delays in consular processing.

How to mail multiple petitions together

If you will include multiple petitions in the same package, please place the individual petitions into separate envelopes within the package.

Filing Tips

Form G-28, Notice of Entry of Appearance as Attorney or Representative

If you will be represented by an attorney or other accredited representative, submit a properly completed Form G-28, Notice of Entry of Appearance as Attorney or Representative. For further information on Form G-28, please see our [Filing Your Form G-28](#) page.

Form I-129, Petition for a Nonimmigrant Worker

- Complete all required sections of the form accurately and in accordance with the regulations and form instructions.
- H-1B cap petitions and advanced degree exemption petitions for the FY 2025 cap must include an employment start date of no earlier than Oct. 1, 2024. You must indicate a start date of Oct. 1, 2024 or later (and 6 months or less from the receipt date of the petition) on your petition or your petition will be rejected or denied. Do not file petitions earlier than 6 months before the requested employment start date. We will reject H-1B petitions requesting a start date of “As Soon As Possible” or “ASAP.”
- Ensure that you have entered the “Beneficiary Confirmation Number” on the H Classification Supplement.
- Ensure that the petition is properly signed.
- Petitioners should enter their own address in Part 1, question 3 of the Form I-129. This will ensure that the I-797 receipt and approval notices are sent to the petitioner.
- You must include the beneficiary’s passport or travel document number, country of issuance, and expiration date on the Form I-129. The passport or travel document information helps USCIS to confirm that the beneficiary named in the registration notice is the same individual as the beneficiary named in the petition and avoid processing delays.
- Ensure that the beneficiary’s name is spelled properly and that their date of birth is displayed in the proper format (mm/dd/yyyy). Also, review the country of birth and citizenship and the I-94 number (if applicable) for accuracy.
- Ensure that any information provided during the electronic registration process matches the information provided on the petition. If information between the registration and petition does not match, the petition may be rejected or denied. If any information does not match, you should provide a written explanation and supporting documentation as to why there was a change or why the information does not match.
- If the beneficiary is seeking an extension of stay or change of status, the petition should include evidence (such as a Form I-94 or Form I-797 approval notice) to establish that the beneficiary will have maintained a valid nonimmigrant status through the employment start date being requested.
- Include a copy of the beneficiary’s valid passport or travel document.

H Classification Supplement to Form I-129

- You can find the H Classification Supplement beginning on page 13 of Form I-129.
- Please be sure to complete all required sections of the form accurately and in accordance with the regulations and the form instructions.
- In listing previous periods of stay in H or L nonimmigrant classification, please also include the actual nonimmigrant classification held (such as H-1B or L-1).
- The petitioner must sign the form, preferably in black ink.

H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement

- You can find the H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement beginning on page 19 of Form I-129.
- Please be sure to complete all sections of the form accurately.
- Make sure you are filing a valid edition of Form I-129, as specified in the Edition Date section on the [Form I-129](#) page.

Delivery Service Error Guidance

If you filed an H-1B cap petition in a timely manner, but received notification from the delivery service that suggests that there may be a delay or damage to the package or that the package was misrouted, you may file a second H-1B petition with a new fee payment during the designated 90-day filing window on your Registration Selection Notice and the following:

- An explanation as to why a second petition is being filed, with supporting evidence, such as the notice from the delivery service; and
- A request to withdraw the first petition filed for the H-1B cap.

If you do not include these items, you will be considered to have submitted duplicate petitions. USCIS may deny or revoke multiple or duplicative petitions filed by the same petitioner, for the same H-1B worker in the same fiscal year, and will not refund the filing fees.

If you properly file a second H-1B petition and withdraw the first, USCIS will withdraw the first petition and proceed with adjudication of the second petition.

When we receive a timely and properly filed H-1B cap subject petition, the petitioner (and, if applicable, the petitioner's legal representative) will be provided a Form I-797, Notice of Action, communicating receipt of the petition. Due to increased filing volumes typically seen during H-1B cap filing periods, there are instances where a petition is timely and properly filed, but issuance of the Form I-797 is delayed. If a petitioner has confirmation from the delivery service that the petition was delivered, but they have not yet received a Form I-797 confirming receipt of the petition, the petitioner should not submit a second petition. If a petitioner has confirmation from the delivery service that the petition was delivered, and they submit a second petition, the petitioner will be considered to have submitted duplicate petitions. This will result in the denial or revocation of both petitions.

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Last Reviewed/Updated: 06/29/2024