

International Student Resource Center

Understanding the H-1B Visa Lottery, and Options if Not Selected

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Due to high demand, U.S. Citizenship and Immigration Services (USCIS) runs an annual electronic registration process (commonly referred to as the H-1B lottery) for employers seeking to sponsor a foreign national for an H-1B work visa under the annual cap. This lottery is required for U.S. for-profit employers who wish to sponsor an foreign national for an H-1B work visa. Note certain employers, including academic institutions, nonprofit research organizations, nonprofit organizations affiliated with institutions of higher education, and U.S.government research organizations, are H-1B cap exempt and therefore are not subject to the lottery. H-1B cap exempt employers may file H-1B petitions at any time during the year, as they are not subject to the "cap" on the numbers of allowed H-1B visas each year.

Lottery Background

Each fiscal year, the U.S. allows 85,000 new, cap-subject H-1B visas, which entails 65,000 visas under the regular cap, and 20,000 visas reserved for individuals who have earned a U.S. master's degree or higher. USCIS, the federal agency that administers the H-1B program, typically receives many times the number of electronic registrations than the 85,000 visa available.

As of February 2026, there is a new wage-based H-1B lottery process that prioritizes registrations for individuals who are paid at higher wage levels, based on the U.S. Department of Labor wage levels.

- Level 4 wages – 4 chances
- Level 3 wages – 3 chances
- Level 2 wages – 2 chances
- Level 1 wages – 1 chance

This new selection process will have negative consequences for those entering the job market with lower, entry level wages as the chances of selection will be lower.

Immediate Student Options

- *Initial 12-month period of OPT*: If you are graduating in spring 2026, and you are eligible for post-graduate Optional Practical Training (OPT), you can apply for OPT up to 90 days prior to graduation, and up to 60 days following graduation. If approved, this will authorize employment within your field of study for up to 12 months. Depending on the timing, this may give your employer two chances to submit an H-1B registration on your behalf in the H-1B lottery.

- *STEM OPT Extension*: If you have a degree from a U.S. university in a STEM field, and are currently approved for OPT, you may be eligible for a 24-month extension of your initial 12-month OPT, giving you up to three years total of employment authorization and potentially multiple future lottery attempts.

How does F-1 OPT "Cap-Gap" Work?

Cap-gap work extension is only available to individuals who are selected in the H-1B lottery.

Cap-gap is a period of approved extended status, and/or extended work permission, for F-1 status international students in the U.S., based on an approved or pending H-1B cap-subject work visa petition timely filed with the U.S. government requesting a change of status. The petition has to be filed after April 1 of the fiscal year in which the status is being requested, while the student still holds valid F-1 status. This is literally a way to bridge the "gap" period between the end of a student's F-1 status and/or OPT period, and the start date of the H-1B petition (which must be on or after October 1, the beginning of the government's fiscal year, when the new allotment of H-1B visas is available). The cap gap period will be valid until April 1 of the following year, or the requested start date of the H petition – whichever is earlier. Note that if the student was in the 60-day grace period, and not still within the authorized period of OPT employment at the time the H-1B cap-subject petition is filed, the cap-gap will allow continued F-1 status but will not allow continued work permission.

If you were not selected in the lottery process, you will not be able to take advantage of a cap-gap extension.

Alternative Work Visas (Cap-Exempt & Treaty-Based)

Cap-Exempt H-1B: Positions at universities, university-affiliated nonprofits, nonprofit research organizations, or U.S. government research organizations are not subject to the annual lottery. You can apply for these positions year-round as they are not subject to the H-1B cap limitations. You can research lists of H-1B employers on some commercial sites, such as https://h1bgrader.com/h1b-cap-exempt-sponsors, or https://www.myvisajobs.com/h1b/cap-exempt-employers.

O-1 Visa: Known as the "Extraordinary Ability" visa, this is for individuals with significant achievements in fields like tech, science, or the arts. It has no annual cap and can be filed at any time. Individuals must demonstrate their extraordinary ability by providing evidence that they meet at least three of eight criteria. Explore your eligibility by using this free online tool to assess whether you may potentially qualify for an O-1A visa.

J-1 Sponsorship: Students may be eligible for a J-1 visa sponsorship, if they are working in an area covered in one of the appropriate categories – such as Research

Scholar, Professor, or Specialist. The J-1 visa category is available to start-up companies and other for-profit entities, through a third-party sponsor, such as Cultural Vistas, Cenet, or a participating sponsor with an active J-1 Exchange Visitor Program. It is important to note that with the revision of the "Skills List" in 2024, 35 countries were removed from the list, including India and China. As a result, citizens of these countries are no longer subject to the 2-year home residency requirement based on the current list. Other bases for the home residence requirement may still apply, such as government funding. Additionally, the J-1 visa requires a strong cultural exchange component as well.

L-1 Visa: An individual not selected for the H-1B lottery may consider work opportunities in other countries - at least temporarily. If you work for a multinational company, they may transfer you to an office abroad for at least one year and then bring you back to the U.S. on an L-1 intracompany transferee visa.

Professional Visas based on Nationality:

- TN Visa: For citizens of Canada and Mexico in specific professional roles.
- E-3 Visa: Exclusively for Australian citizens in specialty occupations.
- H-1B1 Visa: Reserved for citizens of Chile and Singapore in specialty occupations.

Read more about these work visa pathways on the International Student Resource Center's website in our "Non-immigrant Visa Information" section here.

Remaining on F-1 / OPT:

If you are within the first year of OPT, and you have a degree in a STEM field included on this list, you can file for a STEM OPT extension. You will need to work with your sponsoring school's Designated School Official (DSO) before getting a new recommendation for STEM OPT on your I-20 form, and submitting that form, along with an I-765 application, to USCIS.

If you are out of F-1 OPT time, you can consider transferring to a new degree program, continuing your studies, and remaining in F-1 status. When you graduate in the future, you will have another chance at the H-1B visa lottery if you have an employer willing to sponsor you.

Dependent Status: If your spouse has a valid visa status (like H-1B, F-1, J-1, L-1, TN or E-2), you may be able to change to a dependent status (H-4, F-2, J-2, L-2, TD, etc.), some of which allow for work authorization, such as H-4 and J-2.

Remote Work: Some employers may allow you to work remotely from your home country while they continue to enter you in the H-1B lottery for the following year.

Longer-Term Strategies

Green Card Sponsorship

Employer sponsorship: Employers can begin the PERM labor certification process for a green card even if you don't have an H-1B, though the length of time to get an approval on a PERM employer petition can be several years. Even after a PERM application is approved, depending on green card (immigrant visa) backlogs for certain countries, it could be between five and 12 years before the employee might be able to submit their green card application.

Self-sponsorship: Some individuals can self-sponsor for a green card, in the EB-2 National Interest Waiver category, or the EB-1A Extraordinary Ability category. These both have complicated criteria and high standards to meet, so consulting with a good immigration attorney would be useful.

Read more about these green card pathways on the International Student Resource Center's website in our "Employment-based Immigration" section here.

Family sponsorship: If you have an immediate family member who is a U.S. citizen or U.S. permanent resident, you may be eligible for a family-based sponsorship. Again, it may be wise to consult with an immigration attorney to explore this possibility.

Read more about these green card pathways on the International Student Resource Center's website in our "Family-based Immigration" section here.

Final Thoughts

The most important steps anyone navigating this environment can take are to plan ahead and stay informed. Up-to-date news and resources are available at www.internationalstudent.us/news. Those who wish to receive ongoing updates can sign up for the ISRC newsletter at www.internationalstudent.us/news#sign-up-form, and international students and scholars with specific questions can access our free Help Desk at www.internationalstudent.us/help-desk.