

## It's Time to Increase the H-1B Cap Again



By [Andrew M. Wilson](#)

July 8, 2021 | **IMMIGRATION**

This year, FY 2022, was a particularly bad year for H-1B cap lottery applicants. The total number of H-1B cap registrations surpassed 300,000 (308,613). This represented a 12% increase from FY 2021. If you do the math, this year's H-1B cap selection rate was about 28%. That is inching towards a 1 in 4 shot for these H-1B cap applicants and their employers.

It is time to revisit the 85,000 H-1B cap annual quota. The base number of 65,000 was set more than 30 years ago in 1990 - with another 20,000 for advanced degree holders from a U.S. university added 15 years ago in 2006.

Addressing the imbalance and raising the H-1B cap is not unprecedented. It was elevated to 115,000 for the years

1999 and 2000, and subsequently up to 195,000 for 2001-2003. Based on the current demand, why not do this again?

Too many companies are losing employees who were the unlucky ones over several years, missing out on H-1B cap lottery selection multiple times under the current system. How is it possible that there is such a low chance of selection for one of our immigration system's most important non-immigrant visa categories?

---

85,000 is simply not enough. 24-month STEM OPTs are great, but let's really address the issue at hand and raise the H-1B quota like it's 1999.

## Related Team



**Andrew M. Wilson**  
Partner | Chief  
Advisory Officer |  
Team Co-Leader -  
Immigration



**Nisha V. Fontaine  
(Jagtiani)**  
Partner



**Elizabeth M. Klarin**  
Partner



**Eileen M. Martin**  
Partner | Team Co-  
Leader - Immigration  
| Team Leader -  
Canada-U.S. Cross  
Border

**Disclaimer:** The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.