

Disappointed That it Did Not Work Out For You in the H-1B lottery? Do Not Despair, There are Other Options!

April 24, 2023

By Mohammad Ali Syed

Did you apply for the H-1B lottery and were not selected? It is not the end of the road, and you have some alternative options.

This year we had several H-1B lottery submissions. In prior years competition for limited visa numbers was keen. The number of H-1B visa applications received and the number of applications selected in the lottery process can vary from year to year. The H-1B lottery system is a random selection process that is conducted when the number of applications exceeds the available number of visas. The number of visas available is capped at 85,000 per fiscal year, which includes 65,000 for regular H-1B visas and an additional 20,000 for applicants with advanced degrees from U.S. universities.

The USCIS usually announces the number of H-1B visa applications received and the number of applications selected in the lottery after the lottery is completed, which typically occurs in April of each year.

For FY 2023, USCIS received 483,927 H-1B registrations. Since the annual limit is only 85,000, that means over 80% of H-1B registrations for FY 2023 and over 70% for FY 2022 did not result in an employer hiring a new foreign national employee chosen in the random selection process.

Before you throw in the towel, consider the below options:

Nonimmigrant Visa Options:

1. **TN Visa:** If you are a citizen of Canada or Mexico and have a job offer in the United States that falls under the NAFTA professions list, you may be eligible for a TN visa.
2. **E-3 Visa:** If you are an Australian citizen and have a job offer in a specialty occupation, you may be eligible for an E-3 visa.
3. **H-1B1 Visa:** If you are a citizen of Chile or Singapore and have a job offer in a specialty occupation, you may be eligible for an H-1B1 visa.
4. **O-1 Visa:** If you have extraordinary ability in the sciences, arts, education, business, or athletics, you may be eligible for an O-1 visa.
5. **L-1 Visa:** If you have worked for a company overseas for at least one year and have been offered a job in the United States with the same company or a subsidiary, affiliate, or branch office, you may be eligible for an L-1 visa.
6. **F-1 Visa:** If you are a student and want to pursue academic studies in the United States, you may be eligible for an F-1 visa.

7. J-1 Visa: If you want to participate in an exchange program to study, teach, conduct research, or receive training in the United States, you may be eligible for a J-1 visa.

Immigrant Visa Options:

1. EB-1 Visa: If you have extraordinary ability in the sciences, arts, education, business, or athletics, or are an outstanding professor or researcher, you may be eligible for an EB-1 visa.
2. EB-2 Visa: If you have an advanced degree or exceptional ability in the sciences, arts, or business, you may be eligible for an EB-2 visa.
3. EB-3 Visa: If you have a bachelor's degree, are a skilled worker, or are an unskilled worker with less than two years of experience, you may be eligible for an EB-3 visa.
4. EB-4 Visa: If you are a religious worker, broadcaster, or Afghan or Iraqi translator, you may be eligible for an EB-4 visa.
5. EB-5 Visa: If you want to invest in a new commercial enterprise in the United States and create at least ten full-time jobs for U.S. workers, you may be eligible for an EB-5 visa.

Keep in mind that each visa has its own eligibility criteria and application process. Consider consulting with an experienced immigration attorney to determine the best course of action based on your individual circumstances.