

# DHS Announces Final Rule Imposing Strict Requirements for Employers this H-1B Cap Season

Insights for Employers Alert | 1 min read

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Today, the Department of Homeland Security (DHS) announced a final rule that fundamentally alters the H-1B cap selection process. **Effective February 27, 2026**, this rule replaces the traditional random lottery with a “weighted selection process” based on salary levels. This change will take effect for the upcoming FY2027 H-1B cap season, which is scheduled to occur in March 2026.

**This new rule prioritizes “higher-skilled and higher-paid” workers.** Instead of every registrant having an equal chance of selection, the odds will now be determined by the Department of Labor (DOL) Wage Level associated with the job offer.

**Each unique beneficiary will be entered into the selection pool multiple times, depending on their offered wage level:**

- Level IV wages will garner four entries in the random selection process; and
- Level I wages will garner one entry.

## New Requirements for Employers

To prevent employers from artificially weighting wages to gain an advantage in the new registration system, several strict requirements are being implemented:

- **Early Wage Determination:** Employers must now provide the SOC code, worksite location, and offered wage level at the registration stage.
- **Consistency Mandate:** If a registration is selected, the subsequent H-1B petition must match the wage level and position details provided in the registration. Significant changes between registration and filing may lead to denials.

- **Multiple Locations:** If the job involves multiple work sites, the employer must use the lowest equivalent wage level among those locations for the registration.
- **Multiple Employers:** If multiple employers register the same beneficiary, the beneficiary will be assigned the lowest wage level offered among all registrations for selection purposes.

Because of these changes to the registration process, employers should coordinate their H-1B registrations with their counsel earlier in the year than they have in the past.

## We Are Here to Help

Employers: if you need assistance navigating this new registration process, [contact Hinshaw's immigration team](#). We are ready to help.

[View the full DHS Final Rule here.](#)

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