



CUMMING & PARTNERS
CROSS-BORDER LAW

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CUMMING & PARTNERS NEWS ALERT

USCIS Sets a New and Revised Selection System for Fiscal Year 2027 H-1B Cap Registrations

U.S. Citizenship and Immigration Services (USCIS) has issued a final rule that will change how H-1B cap registrations are selected when demand exceeds the annual quota. Beginning with the FY 2027 cap season, USCIS will adopt a new weighted process. While the statutory cap remains unchanged, and all wage levels remain eligible to participate, higher-paid roles will have increased selection odds.

Under this system, each registration will be entered into a pool based on the Department of Labor's Occupational Employment and Wage Statistics (OEWS) wage level – four entries for Wage Level IV, three for Level III, two for Level II and one for Level I. Employers must identify the OEWS wage level and area of intended employment at the time of registration. If chosen, the H-1B petition must include documentation supporting the wage level declared.

Employers should start reviewing job classifications, wage strategies and supporting documentation well in advance. USCIS may deny or revoke petitions if it finds that employers tried to manipulate wage levels to improve selection odds, or if inconsistencies appear. Expect increased scrutiny and ensure documentation is in order.

See the full ruling [here](#).

As more information becomes available, we'll continue to share updated advice.