



**U.S. Citizenship
and Immigration
Services**

Office of Public Affairs

Stakeholder Message

DHS Publishes Final Rule to Replace H-1B Cap Random Selection Process with Wage-Based Selection Process

The Department of Homeland Security (DHS) today [announced](#) the final rule to amend regulations governing the process by which U.S. Citizenship and Immigration Services selects H-1B registrations for filing of H-1B cap-subject petitions (or petitions, if the registration process is suspended).

Summary

Under this rule, USCIS will first select registrations (or petitions, if the registration process is suspended) generally based on the highest Occupational Employment Statistics prevailing wage level that the offered wage equals or exceeds for the relevant Standard Occupational Classification code and area(s) of intended employment.

This final rule maintains the effective and efficient administration of the H-1B cap selection process while providing some prospective petitioners the ability to potentially improve their chance of selection by agreeing to pay H-1B beneficiaries higher wages that equal or exceed higher prevailing wage levels.

This final rule will go into effect 60 days after publication in the Federal Register. To review the entire final rule, see the [Federal Register notice](#).

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Kind regards,

Public Engagement Division
U.S. Citizenship and Immigration Services