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DHS Changes Process for Awarding H-1B Work Visas to Better Protect American Workers

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WASHINGTON – The Department of Homeland Security is amending regulations governing the H-1B work visa selection process to prioritize the allocation of visas to higher-skilled and higher-paid aliens to better protect the wages, working conditions, and job opportunities for American workers. The new rule replaces the random lottery for selecting visa recipients with a process that gives greater weight to those with higher skills.

“The existing random selection process of H-1B registrations was exploited and abused by U.S. employers who were primarily seeking to import foreign workers at lower wages than they would pay American workers,” said U.S. Citizenship and Immigration Services spokesman Matthew Tragesser. “The new weighted selection will better serve Congress’ intent for the H-1B program and strengthen America’s competitiveness by incentivizing American employers to petition for higher-paid, higher-skilled foreign workers. With these regulatory changes and others in the future, we will continue to update the H-1B program to help American businesses without allowing the abuse that was harming American workers.”

The number of H-1B visas issued annually is limited to 65,000, with an additional 20,000 for U.S. advanced degree holders. The current random selection process has often been criticized for allowing unscrupulous employers to exploit it by flooding the selection pool with lower-skilled foreign workers paid at low wages, to the detriment of the American workforce. To address these concerns, the final rule will implement a weighted selection process that will increase the probability that H-1B visas are allocated to higher-skilled and higher-paid aliens while maintaining the opportunity for employers to secure H-1B workers at all wage levels. This final rule is effective Feb. 27, 2026, and will be in place for the FY 2027 H-1B cap registration season.

The rule is another crucial step to strengthen the integrity of the H-1B nonimmigrant visa program. It is in line with other key changes the administration has made, such as the [Presidential Proclamation](#) that requires employers to pay an additional \$100,000 per visa as a condition of eligibility.

“As part of the Trump Administration’s commitment to H-1B reform, we will continue to demand more from both employers and aliens so as not to undercut American workers and to put America first,” said Tragesser.

For more information, see the [final rule](#).

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