

Publications

FY 2027 H-1B Visa Lottery Updates: Wage-Based Weighted Selection Process and \$100,000 Fee

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The H-1B cap season for fiscal year 2027 will see major changes, including the introduction of a wage-based weighted selection system and the continued \$100,000 visa fee to be imposed on certain H-1B petitions.

The Department of Homeland Security (DHS) has issued a final rule replacing the random lottery selection process with a wage-based weighted selection system, which will be effective on February 27, 2026, and implemented during the FY 2027 H-1B cap season. The new selection process will increase the likelihood of selection for the highest-paid beneficiaries based on the four-tiered wage levels used by the U.S. Department of Labor's Office of Foreign Labor Certification. The four levels represent a progression from entry level to fully competent for each occupation and area of intended employment.

When completing the H-1B registration process, registrants will be required to include the wage level corresponding to the beneficiary's offered salary for the specific occupation and area of employment. In line with the new rule, more lottery entries will be allocated to beneficiaries falling under the higher wage levels, as follows: wage level IV beneficiaries will be entered into the lottery four times, wage level III beneficiaries will be entered three times, wage level II beneficiaries will be entered two times, and wage level I beneficiaries will be entered one time. A random selection will then occur to allocate the new H-1B visas available for FY 2027. The non-refundable fee for entering the FY 2027 lottery remains \$215 per registration.

Along with modifications to the selection system, employers may face greater financial costs during the FY 2027 H-1B cap season when registering beneficiaries whose petitions will be filed or approved for consular notification. Petitions filed or approved for consular notification, rather than change of status, remain subject to the \$100,000 fee, pending the outcome of ongoing litigation.