

Highlights of the 2026 Edition

The 2026 Edition of the *H-1B Handbook* contains:

- Detailed analysis of Proclamation No. 10973, 90 Fed. Reg. 46027 (Sept. 24, 2025), which bans the entry of an H-1B worker unless the employer has paid a \$100,000 fee for the sponsored employee (including its impact on workers already in the United States and on travel)
- Coverage of the December 2025 regulation replacing the longstanding random H-1B cap lottery process with a new weighted lottery that increases the odds of selection for beneficiaries being offered the highest wages (including completion of new wage level queries on registration tool and I-129 form and decisions on wage offers to be more competitive in the H-1B selection process)
- Discussion of the DOS' online presence review policy requiring consular officers to review social media accounts and online activity of H-1B and H-4 visa applicants for indications of hostility towards U.S. culture, support for terrorist organizations, antisemitism, and censorship activities—including examination of similar vetting policy adopted by USCIS in adjudicating change of status and extension requests (as discretionary factors)
- Report on the DOL's Project Firewall, an enforcement initiative that will lead to more agency-initiated LCA audits and investigations (without complaints from H-1B workers)—including discussion of proactive steps by employer to minimize the risks of violations and penalties
- Analysis of other agency proposals that will have far-reaching impact on H-1B practice, including a DHS proposal that would subject F-1 and J-1 nonimmigrants to fixed periods of stay and eliminate deference to prior I-129 adjudications involving same parties, the DOL plan to restructure the prevailing wage system for the H-1B program to increase prevailing wages, and a DHS proposal which would require periodic biometrics and screening for foreign nationals throughout their stay in the United States
- Coverage of other significant developments impacting employment of H-1B workers, including, among others, a new travel ban for travelers from certain countries, the USCIS adjudicative hold on immigration applications filed by persons subject to the new travel ban, a new electronic payment policy for all USCIS paper-based applications, a revised NTA policy impacting H-4 dependents, the RFE trend in I-129 cases requesting an address for biometrics collection, and new DOS policies on interview waivers and filings by third-country nationals
- UPDATE SERVICE FOR WESTLAW USERS—Interim electronic updates to *H-1B Handbook* via Fragomen Business Alerts (“Fragalerts”) database (see Preface for details)