

# **H-1B Regulatory Changes Scheduled to be Effective April 1, 2019/ Confirmed Delay in Changes to H-1B Cap Pre-Registration Process**

Article By:

Labor and Employment Polsinelli

---

The Department of Homeland Security has announced that the proposed regulations making fundamental changes to the H-1B cap-selection process have been [finalized](#) and will be published in the Federal Register on January 31, 2019. Effective April 1, 2019, USCIS will implement changes to the order of cap selection. Specifically, USCIS will select 65,000 H-1B petitions from all cases received, inclusive of regular cap cases and advanced degree exception cases. USCIS will then select from the remaining advanced degree exception cases to fill the remaining 20,000 available H-1B slots. USCIS anticipates that the change in selection process will result in a 16% increase in the number of selected petitions for those with a master's degree or higher from a U.S. institution.

The final rule also confirms that the implementation of the proposed electronic pre-registration process will be delayed pending further functionality testing and that companies should continue to prepare for the upcoming H-1B filing deadline as they have in the past. USCIS has [confirmed](#) it will publish a notice in the Federal Register to announce the initial implementation of the H-1B process registration process prior to the cap season in which it will implement the requirement.

© Polsinelli PC, Polsinelli LLP in California

---

National Law Review, Volume IX, Number 30

Source URL: <https://natlawreview.com/article/h-1b-regulatory-changes-scheduled-to-be-effective-april-1-2019-confirmed-delay>