



2026 H-1B Employer Planning Checklist

Smart Planning Beats Luck



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The H-1B process has changed. Selection is now wage-weighted, scrutiny is increasing, and timelines are tight.

*Use this checklist to ensure your organization is prepared for the FY2027 registration cycle. **It is not legal advice and is accurate as of 2/11/2026***

Confirm Key Dates

- Registration Window: **March 4–19, 2026 (closes at Noon ET)**
- Selection Notifications: By **March 31, 2026**
- Petition Filing Window: 90 days after selection
- Earliest Employment Start Date: **October 1, 2026**

If registration isn't submitted during the window, you wait another year.

Identify Candidates Early

- Have you finalized which employees require H-1B sponsorship?
- Are any currently on F-1, OPT, or STEM OPT?
- Are any beneficiaries outside the U.S.?
- Are there competing employers potentially filing for the same individual?

Clarity now prevents last-minute decision pressure.



Tip!

If multiple employers may register the same candidate, USCIS assigns the lowest wage level across filings. Align early to protect your selection odds.

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Confirm Wage Level Strategy

Under the new wage-weighted system, wage level directly impacts selection probability.

- Have you determined the correct OEWS wage level?
- Does the offered salary align with business reality and competitive selection odds?
- Are multiple worksites involved? (Lowest applicable wage level applies.)
- Are you prepared to maintain wage consistency post-selection?

Wage strategy is now a competitive lever — not just a compliance detail.

Assess \$100,000 Proclamation Fee Exposure

The \$100,000 supplemental fee generally applies when:

- The beneficiary is outside the U.S., or
- The petition requests consular processing.

Most change-of-status cases (F-1, OPT, etc.) are not subject to the fee.

- Have you confirmed whether your case structure avoids unnecessary exposure?
- Have you factored potential costs into budgeting?

Avoid reacting to headlines — verify your specific case.

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Budget Filing Costs

If selected, employers must cover required legal and government filing fees (excluding optional premium processing).

Budget considerations may include:

- Registration fee
- Base filing fee
- ACWIA fee
- Anti-fraud fee
- Asylum program funding fee
- Optional premium processing

Ensure leadership is aligned on total investment before registration.

Prepare Required Documentation

If selected, you will have 90 days to file the full petition.

Preparation may include:

- Certified Labor Condition Application (LCA)
- Public Access File (PAF)
- Form I-129 and supporting evidence
- Degree verification and credential evaluation
- Employer support documentation

Gathering documentation early reduces filing risk.



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Review Compliance Controls

USCIS is actively enforcing anti-gaming rules.

Confirm:

- Only one registration per beneficiary
- Accurate wage level selection
- No wage inflation at registration
- Clear documentation of job duties and worksite locations
- Consistency between registration and final petition

Compliance errors are costly and increasingly scrutinized.

Develop a Contingency Plan

If not selected, options may include:

- TN
- E-3
- O-1
- L-1
- OPT/CPT or cap-gap
- Green card strategy

A “no” in March should not derail your hiring plan.

