XIPHIAS Immigration

PROGRAMME BROCHURE



SKILLED MIGRATION | UNITED STATES

H-1B Visa — Specialty Occupation Work Visa (2026 Rules)

The H-1B still exists, but the rules changed sharply in 2025 and 2026. A USD 100,000 payment now applies to petitions for people outside the United States, and selection is weighted towards higher salaries.

TIMELINE

6 months (XIPHIAS average)

JOB OFFER

Required

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Updated 1 October 2026

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At a glance

COUNTRY **United States**	ROUTE **Skilled Migration - Employment Based**
TIMELINE **6 months (XIPHIAS average)**	JOB OFFER **Required**
LAST UPDATED **1 October 2026**	

Overview

The **H-1B visa** is a U.S. non-immigrant work visa that allows **employers to hire foreign professionals** in **specialty occupations** requiring **highly specialized knowledge** and at least a **bachelor's degree or equivalent**. It's one of the most common pathways for skilled professionals to work legally in the United States.

Eligibility Overview

To qualify, the applicant must have a **valid job offer** from a **U.S. employer** in a specialty field such as IT, engineering, finance, healthcare, or science. The employer must file a **Labor Condition Application (LCA)** with the Department of Labor and submit **Form I-129 (Petition for a Nonimmigrant Worker)** to USCIS. The H-1B is typically granted for **three years**, extendable to **six years**, and allows **dual intent** for future Green Card applications.

What changed, and what it means if you are applying from India

The H-1B is still a real visa. But between September 2025 and September 2026 three separate changes landed, and together they reshape who can realistically use it.

1. The USD 100,000 payment

Presidential Proclamation 10973, signed **19 September 2025** and effective **21 September 2025**, requires a **USD 100,000 payment per new H-1B petition** where the beneficiary is **outside the United States and must seek admission**. Employers must obtain and retain proof of payment before filing. Proclamation 11069, signed **18 September 2026**, extended it to **21 September 2027**.

It is **one-time, not annual**. It does **not** apply to existing H-1B holders travelling, to renewals, or to petitions filed before 21 September 2025. The Secretary of Homeland Security may waive it for an individual, a company or a whole industry on national-interest grounds.

What this means in practice: if you are in India and an employer wants to sponsor you, the first question is no longer whether you will be selected. It is whether your employer will pay USD 100,000. Get that in writing before you spend anything on this route.

2. Selection now favours higher salaries

Since **27 February 2026** the cap registration is weighted by wage level. A registration goes into the pool **once at Level I, twice at Level II, three times at Level III and four times at Level IV**.

That is a structural change, not a tweak. An entry-level candidate at Level I now carries roughly a quarter of the selection weight of a Level IV role. For Indian IT candidates at the junior end, the odds got materially worse.

3. Layoffs are now an adjudication factor

Executive Order 14431, signed **18 September 2026**, requires the State Department, Department of Labor and DHS to consider whether your sponsoring employer has made layoffs in the previous year or plans them. It also directed the Department of Labor to begin reviewing historical Labor Condition Applications for enforcement.

So your employer's own history now affects your petition.

The FY2027 cap is closed

Registration ran in **March 2026** and selection is complete. The next window is **FY2028, expected around March 2027**. Registration for FY2027 is no longer possible.

What is coming

DHS proposed a **further USD 103,265 fee** on cap-subject petitions on **25 August 2026**. It is a **proposed rule and is not in force** — but it is written to stack on top of the USD 100,000 payment, not replace it.

Separately, the Department of Labor proposed raising prevailing wage percentiles from 17/34/50/67 to **34/52/70/88** on 27 March 2026. No final rule has been published. If it lands, it raises the salary floor for H-1B and for EB-2 and EB-3 labour certification.

The alternatives worth considering

For a strong candidate, **O-1A** is now often the better route: no cap, no lottery, no weighted selection, no USD 100,000 payment, and no per-country queue. It demands a genuine record of achievement, and we will tell you plainly whether yours reaches it.

L-1 works if you already have a year with a multinational's overseas arm. And if the goal is a green card rather than a US job, **EB-5 set-aside investment** is the only employment-based route with **no India queue at all** as at October 2026.

Key benefits

- Work legally in the U.S. for up to six years (initial 3 years + extension).
- Eligible for professionals in specialized fields.
- Dual intent visa — allows transition to Green Card.
- Spouse and children under 21 can apply under H-4 status.
- Opportunity to gain international experience and career growth.

When this route may not fit

- Job not classified as a specialty occupation.
- Lack of required degree or equivalent work experience.
- Employer unable to meet wage or compliance requirements.

Skills, language and points

Job offer: Requires a valid full-time job offer from a U.S. employer for a specialty occupation.

Typical Eligible Occupations

- Software engineers and IT professionals
- Mechanical, electrical, and civil engineers
- Financial analysts and accountants
- Healthcare and medical specialists
- University professors and researchers

How the process works

1. **Employer Readiness**
   The U.S. employer determines if the position qualifies as a specialty occupation and verifies your qualifications.
2. **H-1B Cap Registration**
   Employer registers you in the annual cap window (FY2028 expected around March 2027). Selection has been weighted by wage level since 27 February 2026, not a flat lottery.
3. **Labor Condition Application (LCA)**
   Employer files LCA with the Department of Labor to certify wage and work conditions.
4. **Petition Filing (Form I-129)**
   Employer files Form I-129 with USCIS. For a beneficiary outside the US who must seek admission, the USD 100,000 payment must be made, with proof retained, before filing.
5. **Visa Stamping / Status Change**
   If approved, apply for visa stamping abroad or change status within the U.S.
6. **Work and Extension**
   Work in the U.S. for up to 3 years initially, with possible extensions up to 6 years.

Document checklist

Personal and Identity Documents

- Valid passport and previous U.S. visas (if applicable)
- Passport-sized photographs per USCIS guidelines
- Educational certificates and transcripts

Employment Documents

- Offer letter and detailed job description from U.S. employer
- Labor Condition Application (LCA) approval
- Form I-129 filing receipt or approval notice

Supporting Evidence

- Resume or CV with relevant experience
- Professional licenses or certifications
- Employer’s business registration and tax documents

Questions clients ask

What is the H-1B visa?

The H-1B is a U.S. work visa that allows employers to hire foreign professionals in specialty occupations requiring specialized skills and a bachelor’s degree or higher.

How long is the H-1B valid?

Initially valid for three years, extendable up to six years under certain conditions.

Can I change jobs under H-1B?

Yes. You can transfer your H-1B to another employer after filing a new petition.

Can my family join me?

Yes. Your spouse and children under 21 can accompany you on H-4 visas.

Can I apply for a Green Card while on H-1B?

Yes. The H-1B allows dual intent, meaning you can apply for permanent residency while working in the U.S.

How does Xiphias Immigration assist?

Xiphias Immigration helps employers and professionals with registration, petition filing, documentation, and compliance throughout the H-1B process.

Important notes

- A USD 100,000 payment applies per new H-1B petition for a beneficiary who is outside the United States and must seek admission. It was imposed by Presidential Proclamation 10973 on 19 September 2025, effective 21 September 2025, and extended by Proclamation 11069 on 18 September 2026. It now runs to 21 September 2027 unless extended again.
- For most candidates applying from India this makes a new H-1B commercially unviable unless the employer is willing and able to pay it. Ask your sponsor to confirm in writing that they will, before you spend anything.

- Selection is no longer a flat lottery. Since 27 February 2026 registrations are entered once for wage Level I, twice for Level II, three times for Level III and four times for Level IV. An entry-level Indian IT candidate at Level I now has roughly a quarter of the selection weight of a Level IV role.
- Executive Order 14431 of 18 September 2026 requires adjudicators to consider whether the sponsoring employer has made layoffs in the previous year or plans them. It also directed the Department of Labor to begin a retrospective review of historical Labor Condition Applications.
- The FY2027 cap is closed — registration ran in March 2026 and selection is complete. The next window is FY2028, expected around March 2027.
- A further USD 103,265 fee on cap-subject petitions was proposed by DHS on 25 August 2026. It is a proposed rule only and is not in force, but it is expressly designed to stack on top of the USD 100,000 payment.

Compliance

- The USD 100,000 payment is one-time on a new petition, not annual.
- It does not apply to existing H-1B holders travelling in and out of the United States, to renewals, or to any petition filed before 21 September 2025.
- The Secretary of Homeland Security may waive it for an individual, a company or an entire industry on a national-interest determination.
- On its face the proclamation is not limited to cap-subject petitions — the trigger is the beneficiary being abroad and seeking admission.
- Whether an in-country change of status, for example F-1 to H-1B without departing, falls outside the payment is governed by USCIS's implementing guidance. XIPHIAS checks the current USCIS position against your specific case before filing.
- Current filing fees: Form I-129 USD 780 (USD 460 for a small employer of 25 or fewer full-time staff, or a nonprofit), H-1B registration USD 215, ACWIA training fee USD 1,500 or USD 750 by employer size, fraud prevention and detection fee USD 500, Asylum Program Fee USD 600 (USD 300 small employer, nil nonprofit). Employers with 50 or more US staff of whom more than half hold H-1B or L status pay a further USD 4,000.
- Premium processing is available at USD 2,965 for a 15 business day response (fee effective 1 March 2026).

Official sources: The White House — Proclamation: Restriction on Entry of Certain Nonimmigrant Workers (19 September 2025); Federal Register — Proclamation 11069 extending the restriction (published 23 September 2026); The White House — H-1B frequently asked questions; Federal Register — Weighted Selection Process for Cap-Subject H-1B Registrations (effective 27 February 2026); Federal Register — Executive Order 14431 on H-1B program integrity (published 23 September 2026); Federal Register — proposed Fee for Certain H-1B Petitions (25 August 2026, not in force); Electronic Code of Federal Regulations — 8 CFR 106.2 (USCIS fee schedule); Federal Register — Adjustment to Premium Processing Fees (effective 1 March 2026).



XIPHIAS Immigration

NEXT STEP

Plan your United States application with our Dubai team

Tell us about your profile, family and timeline. We will confirm whether **H-1B Visa — Specialty Occupation Work Visa (2026 Rules)** fits, set out the full cost in writing and manage the application with you from start to finish.

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- Named Best Immigration Consultant by The Times of India in 2022.
- Canada files handled by a CICC-licensed Regulated Canadian Immigration Consultant, licence R516194.
- Australia files handled by a registered migration agent, MARA 1680615.

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