

# PUBLICATION

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## **New USCIS Regulation to Prioritize Highest Paid H-1B Workers is Unlikely to Affect This Year's Cap Filings**

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**USCIS has finalized a new regulation that would allocate new cap-subject H-1B petitions to the highest paid workers. It seems likely that President-Elect Biden will extend the effective date from early March by 60 more days, and meanwhile withdraw the regulation. Moreover, if the regulation is not delayed and withdrawn, we believe it is likely to be successfully challenged as lacking a basis in law. Thus, we do not expect this regulation to affect this year's H-1B cap filings. If we learn otherwise, we will keep you updated. Please feel free to subscribe to our immigrations alerts here to stay up to date on the latest information.**

If you have any questions about this or any other immigration matter, contact [Robert Divine](#) or any member of Baker Donelson's [Immigration Team](#).