

Two New Rules Affecting H-1Bs and PERMs

By [Andrew M. Wilson](#)

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Two new rules just announced today could affect H-1Bs and PERMs. They are the DOL Prevailing Wage Interim Final Rule and the DHS H-1B Strengthening Rule.

The DOL Prevailing Wage Interim Final Rule cites President Trump's Buy American/Hire American initiative to change how prevailing wage level figures are calculated. The rule changes the prevailing wage levels 1-4 from the 17, 34, 50 and 67th percentiles to 45, 62, 78 and 95 percentile of surveyed wages from BLS. You can see the rule at:

<https://lnkd.in/eG2Myde>

The rule takes effect immediately and will result in higher prevailing wage designations.

According to DHS, the DHS H-1B Strengthening Rule sets to narrow the definition of “specialty occupation”, will require companies to make “real” offers to “real employees” and enhance DHS’s ability to enforce compliance through worksite inspections. It will take effect in 60 days.

It is expected that both rules will be challenged in court. We will also have to see how the upcoming presidential election affects the implementation of these rules.

Please contact an LMWF immigration team member with any specific questions, and check back regularly on this blog for updates on changing rules and policies.

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