CLIENT ALERTS & INSIGHTS

New $100,000 Fee and Entry Restrictions for H-1B Workers: What Employers Need to Know Now

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Key Takeaways

- A new presidential proclamation imposes a $100,000 fee on employers sponsoring H-1B workers entering the U.S. for the first time, with the rule applying only to petitions filed after Sept. 21, 2025. Current H-1B employees and approved petitions are not affected.
- The steep new cost and heightened scrutiny create financial and operational risks for employers relying on global talent, especially those planning to hire workers from abroad.
- Companies should review hiring and travel plans immediately, identify employees who may be impacted and prepare for further changes-including new wage rules and possible extensions of the proclamation-by coordinating closely with immigration counsel.

Presidential Proclamation on H-1B: Employer Advisory

Background & Purpose

On September 19, 2025, President Donald J. Trump signed a proclamation titled "Restriction on Entry of Certain Nonimmigrant Workers." This proclamation aims to address perceived misuse of the H-1B nonimmigrant visa program, particularly regarding undercutting U.S. workers by hiring foreign workers at lower wages.

Initial confusion about whether the proclamation would impact the status of current H-1B visa holders abroad or those with international travel plans was clarified the following day: USCIS and CBP confirmed in a memorandum that the proclamation will apply **prospectively**-to petitions **not yet filed**-and will not affect current H-1B workers or already-filed petitions.

Key Provisions of the Proclamation

Effective Date & Duration - Takes effect September 21, 2025 at 12:01 a.m. EDT. It will be valid for only 12 months, unless extended.

$100,000 Employer Fee - U.S. employers must pay a one-time enhanced petition filing fee of $100,000 for each new H-1B worker seeking entry from outside the U.S. under the specialty occupation classification. The petition (or entry request) must be accompanied or supplemented by

this payment. Many details (e.g., how the fee is to be paid; how documentation must be preserved) are still being finalized.

Restriction on Entry - Once the prospective enforcement of the proclamation takes effect, new H-1B visa holders will be denied entry unless the employer has paid the fee. USCIS, DHS and State Department will verify compliance.

Scope/Who's Affected - The proclamation only applies prospectively to petitions that have not yet been filed. It does not appear to impact H-1B workers already in the U.S. or extensions of stay inside the U.S., including change of employer, change of status and amended petitions -where the beneficiary remains in lawful H-1B status. The proclamation does not apply to beneficiaries of petitions that were filed prior to the effective date, beneficiaries of currently approved H-1B petitions or beneficiaries who are in possession of a validly issued H-1B non-immigrant visa. CPB has clarified that existing H-1B visa holders can continue to travel with their approved visas, but exercise caution if your visa requires consular processing once abroad.

Exemptions - The Secretary of Homeland Security has authority to exempt certain individuals, all employees of a given employer or entire industries if hiring is in "the national interest" and doesn't pose a threat to U.S. security or welfare.

Rulemaking & Related Changes - The Department of Labor is directed to initiate rulemaking to revise prevailing wage levels. DHS has been directed to prioritize H-1B applicants who are high-skilled/high-paid. There will be joint agency review within 30 days after the next H-1B lottery on whether to extend the entry restriction beyond the initial 12-month period.

Recommendations for Employers

Workers outside the U.S. - Regardless of the proclamation's prospective application, employers should identify potentially impacted workers and encourage their return to the U.S. as the policy unfolds and further guidance is issued by the White House.

Workers inside the U.S. - Advise employees to avoid international travel until detailed guidance is issued. Travel caution is advisable for dependent family members of the H-1B workers.

B visa warning - Do not attempt to re-enter on tourist visa to circumvent the fee. Secretary of State will issue additional guidance on this.

Plan for uncertainty - Employers should immediately review hiring plans for the next H-1B lottery cycle. Consult with immigration counsel to navigate the evolving policy landscape and explore alternative visa options.

Conclusion

This proclamation marks one of the most sweeping changes to the H-1B nonimmigrant visa program in recent history. The new $100,000 fee, entry restrictions and direction to raise wage thresholds all suggest a significant tightening of access for foreign workers in specialty occupations, especially for those outside the U.S.