



Presidential Proclamation Requires \$100,000 Fee for New H-1B Workers

On September 19, 2025, the President issued a Proclamation that temporarily halts decisions on new H-1B petitions and bans entry of certain H-1B workers, unless a \$100,000 fee is paid. The Proclamation took effect **September 21, 2025, at 12:01 a.m. ET** for twelve months (with the possibility of an extension).

While the language of the Proclamation initially appeared to apply to all H-1B workers who are outside of the United States on or after the effective date, the government has since provided **guidance clarifying that it only applies to certain new H-1B petitions filed on or after September 21, 2025.**

Who Is Affected?

H-1B petitions filed on or after 12:01 a.m. ET on September 21, 2025, to which one of the following conditions apply:

- The worker was outside the U.S. when the petition was filed and does not have a valid H-1B visa stamp in their passport;
- The H-1B petition filed on behalf of the worker requests consular notification, port of entry notification, or pre-flight inspection; or
- The H-1B petition filed on behalf of the worker requested a change of status, amendment, or extension, but USCIS determines the individual is ineligible for a change of status or an amendment or extension of stay.

Who is Not Affected?

- Individuals with an H-1B petition filed on their behalf **before** 12:01 a.m. ET on September 21, 2025.
- Individuals with a currently **valid H-1B visa stamp**.
- Canadians returning to the U.S. with an **approved H-1B** petition filed before 12:01 a.m. ET on September 21, 2025.
- Individuals on whose behalf an H-1B petition was filed after 12:01 a.m. ET on September 21, 2025, requesting a **change of status, amendment, or extension**, and USCIS grants the change, amendment, or extension.
- Individuals who are granted an exception by DHS (see next column).

What Does the Proclamation Require?

- A \$100,000 fee is required for all affected H-1B petitions.

When Is Payment Required?

- The \$100,000 fee must be paid online before filing the H-1B petition.
- At the time of filing, the petitioner must include proof that the payment has already been made, unless an exception applies.

Are There Any Exceptions?

An exception may be granted **only in “extraordinarily rare” circumstances** where DHS determines that:

- The beneficiary’s presence in H-1B status is in the **national interest**,
- No American worker is available to fill the role,
- The beneficiary does not pose a threat to U.S. security or welfare, and
- Requiring payment would “**significantly undermine U.S. interests.**”

Exceptions may be granted for:

- Specific individuals,
- All individuals working for specific companies, or
- All individuals in a specific industry.

What Should H-1B Workers and Employers Do?

Contact your immigration attorney to discuss whether this proclamation impacts your case, and do not make any international travel plans or file any new H-1B petitions without first discussing with an immigration attorney. If you do not have one, you can find a licensed attorney at www.ailalawyer.com.

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