



NEW \$100,000 FEE ON H-1B ENTRIES BY PRESIDENTIAL PROCLAMATION, USCIS CLARIFIES

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On September 19, 2025, President Trump [issued a Presidential Proclamation](#) requiring a \$100,000 fee for certain H-1B petitions where the worker is outside the United States. Effective September 21, 2025, U.S. entry will be restricted unless the petition is accompanied by this payment. The restriction is temporary (12 months, through September 20, 2026) but may be extended.

The Proclamation does not end the H-1B program. Employers may continue to file extensions, amendments, and transfers for H-1B employees already inside the United States. Pending or approved petitions for workers who remain in the U.S. will not be subject to the new fee. However, international travel is strongly discouraged, as returning employees could face the new payment requirement. The Department of Homeland Security may exempt individuals, companies, or industries if employing H-1B workers is in the “national interest,” though the standard for these exemptions is not yet defined. Cap-exempt entities (universities, nonprofits) are not specifically carved out but may qualify under this exemption.

On September 20, 2025, USCIS Director Joseph Edlow issued a [memorandum](#) attempting to clarify implementation of the Proclamation. According to USCIS, the \$100,000 fee applies only prospectively, to petitions not yet filed. The Proclamation does not apply to beneficiaries of petitions filed before the effective date, beneficiaries of approved petitions, or individuals holding validly issued H-1B visas. A [White House H-1B Fact Sheet](#) offers further clarification.

Despite this clarification, key questions remain unanswered. The memorandum does not specify whether the fee applies to petitions requesting a change or extension of status, or a change of employer. It also leaves open the possibility that USCIS may attempt to limit the fee to cap-subject petitions in the FY27

lottery, but no confirmation has been provided. Moreover, the USCIS guidance departs from the Proclamation's language, creating inconsistencies that heighten uncertainty.

The Proclamation, because it is based on INA 212(f) which addresses the "entry of any aliens" or of "any class of aliens", should not apply to someone inside the US who is seeking an extension of stay, and it should not also apply to a change of status to H-1B in the US even if the clarification from the White House does not state it. However, at this time, we have not received official clarification on this point.