



IMMIGRATION UPDATE - OCTOBER 27, 2025

Posted on October 27, 2025 by Cyrus Mehta

Headlines:

[**USCIS Releases Additional Guidance on New \\$100,000 H-1B Fee**](#) – U.S.

Citizenship and Immigration Services (USCIS) announced additional guidance related to the Presidential Proclamation establishing a \$100,000 fee for new H-1B petitions. Among other things, USCIS emphasized that petitions subject to the fee that are filed without evidence of payment or the grant of an exception will be denied.

[**USCIS Discusses Impact of Shutdown on Certain H and CW Petitions**](#) – U.S.

Citizenship and Immigration Services said it will process H-1B, H-2A, and H-2B-related Form I-129 petitions and CW-1-related Form I-129CW petitions during the federal government shutdown. If the petitioner documents that the shutdown was the primary reason for a delay in filing an extension of stay or change of status request, the agency will consider the government shutdown an "extraordinary circumstance beyond the petitioner's control."

Details:

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USCIS Releases Additional Guidance on New \$100,000 H-1B Fee

On October 20, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced](#) additional guidance related to the September 19, 2025, Presidential Proclamation, [Restriction on Entry of Certain Nonimmigrant Workers](#). As of September 21, 2025, new H-1B petitions must be accompanied by an additional \$100,000 payment as a condition of eligibility.

USCIS emphasized that for H-1B petitions subject to the Proclamation, "petitioners must submit a copy of the proof of the payment from pay.gov or

evidence of an exception from the fee from the Secretary of Homeland Security at the time of filing the H-1B petition. Petitions subject to the \$100,000 payment that are filed without evidence of payment or the grant of an exception will be denied."

USCIS has [confirmed](#) that:

- Those who are outside of the United States but have valid H-1B visas are not subject to the \$100,000 H-1B fee.
- H-1B petitions requesting a change of status, amendment, or extension of stay are not subject to the \$100,000 fee, unless that request is denied (effectively approving the petition for consular notification).
- The Proclamation does not prevent any holder of a current H-1B visa, or any beneficiary following petition approval, from traveling in and out of the United States.
- The fee instructions state that for new H-1B petitions on behalf of individuals outside the United States, the fee must be paid before the petition is filed.

The October 20 guidance did not mention H-1B1 visas. As such, it is unclear whether the Proclamation applies to Chileans and Singaporeans applying for H-1B1 visas. On September 29, however, the [U.S. Embassy of Singapore stated](#) that the Proclamation "does not apply to the H-1B1 visa for Singaporean citizens. There is no change to the H-1B1 process at this time."

On October 20, USCIS updated the [H-1B Specialty Occupations](#) page to include a section, "Presidential Proclamation on Restriction on Entry of Certain Nonimmigrant Workers."

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USCIS Discusses Impact of Shutdown on Certain H and CW Petitions

U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it will process H-1B, H-2A, and H-2B-related Form I-129 petitions and CW-1-related Form I-129CW petitions during the federal government shutdown. "We recognize, however, that the shutdown may affect a petitioner's ability to get required documentation (such as a labor condition application or a temporary labor certification from the U.S. Department of Labor), which may delay their ability to file Form I-129 or Form I-129CW."

If an H-1B, H-2A, H-2B, or CW-1 petitioner meets all other applicable requirements and submits evidence establishing that the government shutdown was the primary reason they did not timely file an extension of stay or change of status request, USCIS will consider the government shutdown an "extraordinary circumstance beyond the petitioner's control" when it determines whether to excuse the failure to timely file.

USCIS said it will monitor the situation and publish additional guidance if needed.

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