

Transition – A Presidential Change Update

September 2025

Executive Order Imposes New \$100,000 Fee Per H-1B Worker

On September 19, 2025, President Trump signed an [executive order](#) restricting the entry of anyone seeking to enter or reenter the U.S. in H-1B status without payment of a new \$100,000 fee **per employee**. This proclamation took effect at 12:01 a.m. on Sunday, September 21, 2025, and will expire one year later, unless extended.

The language of the executive order does not limit its application to only future applications, but on September 20, 2025, the USCIS issued a memo clarifying the following:

- This proclamation only applies prospectively to petitions that have not yet been filed.
- The proclamation does not apply to foreign nationals who are: the beneficiaries of petitions filed prior to the effective date of the proclamation, the beneficiaries of currently approved petitions, or in possession of validly issued H-1B nonimmigrant visas.

There may be additional exemptions at the government's discretion. Specifically, the executive order authorizes DHS to exempt certain individuals, companies, or industries that DHS determines are in the national interest of the U.S. and do not pose a threat to U.S. security or welfare.

Both the U.S. Department of State and Customs and Border Protection have issued statements confirming that this restriction applies to the issuance of visas for petitions filed after the effective date of the proclamation. However, H-1B workers may want to avoid international travel for the foreseeable future until the government addresses unresolved issues.

Some additional questions that still remain include whether nonprofit organizations and government research

organizations that have lower filing fees for H-1B petitions will be subject to the full \$100,000 fee. Additionally, if an employer seeks a subsequent H-1B approval period for an associate outside the U.S. will that be treated as a renewal not subject to the fee.

FOR MORE INFORMATION

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