



Immigration Update

June 2026

Federal Court Strikes Down \$100,000 H-1B Fee: What Employers Need to Know

Update (June 16): On June 12, the government filed a motion with the District Court seeking a stay of the court's order pending the entire appeal process. The District Court denied that motion but granted the government's alternative request for an administrative stay. The administrative stay suspends the District Court's order "pending a decision by the United States Court of Appeals for the First Circuit on the anticipated Motion to Stay pending appeal from the Defendants, provided the Defendants file such a Motion in the Circuit no later than Thursday, June 18, 2026." This has the effect of restoring the \$100,000 fee under those conditions. Thompson Hine will continue to monitor developments in this litigation and provide further updates as warranted.

On June 8, 2026, a federal court in Massachusetts struck down the \$100,000 fee that the Trump administration had imposed on employers filing H-1B visa petitions. The ruling is a major win for businesses that utilize the H-1B program to hire skilled foreign workers in fields like technology, engineering, healthcare, and finance.

Background

Last September, President Trump issued a Presidential Proclamation titled *Restriction on Entry of Certain Nonimmigrant Workers*. The proclamation required employers to pay a \$100,000 fee—on top of existing filing fees—for any new H-1B petition filed on or after September 21, 2025. The H-1B visa program allows U.S. employers to temporarily employ foreign workers in “specialty occupations” that typically require at least a bachelor’s degree in a specific field.

The Court’s Decision

In *State of California et al. v. Mullin et al.*, U.S. District Judge Leo Sorokin ruled that the \$100,000 fee is unlawful for two main reasons:

- **It’s an illegal tax, not a legitimate immigration restriction.** The court found that the fee functions as a tax on businesses rather than a valid restriction on who may enter the country. Under the Constitution, only Congress has the power to impose taxes—the president cannot do so unilaterally, even through the immigration system.
- **The rollout was arbitrary and capricious.** The court also found that the administration failed to follow proper procedures. The agencies offered no meaningful justification for why the fee was set at \$100,000, ignored the impact on employers who had long relied on the existing fee structure, and failed to consider alternatives—such as exempting certain employers, like universities and research institutions, that are already exempt from the H-1B cap.

What This Means for Employers

For now, the \$100,000 fee has been vacated in its entirety. Employers are no longer required to pay this fee when filing H-1B petitions. Standard H-1B filing fees remain in effect.

Appeals Likely—Stay Tuned

This is one of several pending cases challenging the \$100,000 fee. The government is likely to appeal, and further guidance from the administration is expected. Employers should monitor these developments closely and work with immigration counsel to assess how this decision affects their pending and future H-1B cases.

FOR MORE INFORMATION

If you have questions about how this ruling impacts your organization, or if you need assistance with H-1B petitions or other immigration matters, please contact the authors of this alert or your Thompson Hine relationship attorney.

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