



Immigration Update

August 2026

USCIS Proposes Fee Exceeding \$103,000 for Initial H-1B Petitions

In a proposed rule published in the [Federal Register](#) on August 25, the Trump administration laid out plans to impose a fee of more than \$103,000 per petition on U.S. employers seeking to file petitions for new cap-subject H-1B visas.

The fee's stated purpose is to provide a "dedicated revenue mechanism to help recover a portion of the federal government's costs of administering the lawful immigration system, including activities carried out by DHS, the U.S. Department of Justice (DOJ), the U.S. Department of State (DOS), and the U.S. Department of Labor (DOL)."

As drafted, the fee would apply to all employers submitting cap-subject petitions, including small businesses and nonprofits. It would not apply to cap-exempt petitions (e.g., those filed by universities, nonprofit research organizations, or governmental research organizations).

With a projected annual revenue of approximately **\$8.8 billion**, the proposed fee targets the H-1B visa program because USCIS has concluded that those petitions are "generally submitted by petitioners who have more ability to pay."

Interested parties can [submit comments](#) for the next 30 days. If this rule becomes effective, it will impact the next H-1B lottery in spring 2027. Employers will have to decide if they are willing to pay this additional fee (on top of existing fees) to sponsor an associate for an H-1B visa. This will materially change the assessment of whether to sponsor, and it will be particularly frustrating for employers who sought to sponsor an associate for H-1B this year but they were not selected in the lottery.

FOR MORE INFORMATION

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