



What You Need to Know About the New Proclamation on H-1B Workers

On September 19, 2025, the President issued a proclamation that adds new restrictions to the H-1B visa program. These changes focus on H-1B workers outside the United States who are seeking to enter and who do not yet have an approved petition.

What Does the Proclamation Do?

- Starting **September 21, 2025**, U.S. employers must pay a **\$100,000 fee per worker** to bring an H-1B employee from abroad, unless an exception applies.
- If the fee is not paid, the visa petition will not move forward.
- The rule applies for **12 months** (through September 20, 2026), unless extended.

Who Does This Apply To?

- H-1B petitions filed or pending **on or after September 21, 2025**, where the employee is **outside the U.S.**

Who Does This Not Apply To?

While implementation details are still developing, it appears the \$100,000 fee is **not required** in the following cases:

- The employee is **already inside the U.S.** as of 12:01 a.m. on September 21, 2025, even if their petition is still pending.
- **Caution: If the employee travels outside the U.S. after September 21 while the petition is pending, the restriction could apply.**
- The H-1B petition was **approved before September 21, 2025.**
- The petition is a change of status to H-1B, extension of H-1B status or change of H-1B employer for an individual physically present in the U.S.

Are There Exceptions?

Yes. The Secretary of Homeland Security has the authority to allow certain workers, companies, or industries to bypass the fee if doing so is considered in the “national interest” and does not pose a risk to the United States.

Additional Changes on the Horizon

The proclamation also directs government agencies to make broader changes to the H-1B system, including:



- **Raising prevailing wage levels** so that employers must pay higher minimum salaries to H-1B workers.
- **Prioritizing higher-paid, highly skilled foreign workers** in the H-1B lottery process.

What This Means for Employers and Workers

- **For employers:** The \$100,000 fee is a momentous new cost that will render the H-1B category unusable for most U.S. employers when sponsoring employees from abroad. Industries that depend heavily on H-1B workers, such as IT outsourcing, will feel the greatest impact.
- **For foreign workers:** There may be fewer opportunities to enter the U.S. on an H-1B visa unless employers are willing to cover the fee or qualify for an exception.

Bottom Line

This proclamation represents a major shift in U.S. immigration policy for skilled foreign workers. Employers should **review hiring plans now** and consult with immigration counsel to ensure compliance and explore available options.