



What Employers Need to Know About the New H-1B Landscape

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With the H-1B modernization rule, the new \$100,000 H-1B fee for certain cases, and lottery structure changes now in effect, the H-1B program looks very different than it did just a few years ago.

Costs can be higher, Scrutiny can be greater, and timelines can be less predictable.

For employers that rely on international talent, this means immigration can no longer be treated as a routine HR process. It must be part of your overall workforce strategy.

Below are practical steps employers should consider now.



1. Review Your Current H-1B Compliance

Government audits and site visits are increasing. Employers should take a proactive look at their H-1B population to identify potential risk areas before the government does.

Key questions to ask:

- Are required wage and posting records complete and up to date?
- Are employees working in the locations listed in their filings?
- Have job duties changed significantly over time?
- Are remote or hybrid arrangements properly documented?

A proactive internal review can help prevent costly problems later and position your company to respond confidently if the government conducts an inspection.

2. Pay Close Attention to F-1 Student Transitions

Many employers hire international graduates working under F-1 OPT or STEM OPT. The transition from F-1 to H-1B is receiving increased scrutiny.

Before filing an H-1B, employers should consult with an immigration attorney to:

- Confirm that the employee has maintained valid status.
- Review any CPT or OPT history for potential issues.
- Ensure that job duties align with the employee's degree.



- Identify potential delays if the employee's work authorization is set to expire.

Addressing these issues early can reduce the risk of requests for additional evidence or denials.

3. Budget Appropriately for Costs and Longer Timelines

H-1B sponsorship can be more expensive and less predictable.

Employers should:

- Plan for the full lifecycle cost of sponsorship, not just the initial filing.
- Build contingency funds for government delays or additional documentation requests.
- Account for potential compliance audits and response costs.
- Consider whether alternative visa options may be more cost-effective in certain cases.

Immigration should be part of long-term workforce budgeting—not treated as an unexpected expense.



4. Consider Alternative Immigration Options

With the new \$100,000 H-1B fee, the financial impact of H-1B sponsorship may be substantially higher in certain cases, making it increasingly important for employers to evaluate alternative pathways when possible.

Depending on the employee and business structure, options may include:

- Other employment-based visa categories.
- Cap-exempt H-1B opportunities.
- F-1 Student work authorization extensions.
- J-1 Exchange programs.
- Global mobility placements outside the U.S.
- Accelerated permanent residence planning for key employees.

Diversifying your immigration strategy reduces risk and increases workforce stability.

5. Build a Culture of Immigration Compliance

Immigration compliance should not sit solely with one person or department. It requires coordination across HR, legal, and leadership.

Practical steps include:

- Assigning a clear internal point of contact for immigration compliance.
- Training HR teams on document handling, retention, and reverification.
- Creating written procedures for responding to audits or site visits.
- Maintaining consistent, well-documented processes.

Consistency is critical. Ad hoc practices increase enforcement risk and can create unnecessary enforcement exposure.

Final Takeaway

The H-1B program has entered a period of higher costs, closer review, and structural change. Employers that treat immigration as a strategic business issue—not just a filing requirement—will be better positioned to stay compliant and competitive.

Preparation now can help protect your talent pipeline, control costs, and ensure operational continuity in an increasingly complex immigration environment. Contact Grossman Young & Hammond LLC for a consultation.

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