

Publications

September 24, 2025 • Updates

The \$100,000 Work Visa: Who's Affected and What's Next

Key Highlights

- **New \$100,000 Fee for H-1B Petitions:** Effective Sept. 21, 2025, all new H-1B petitions — including those filed in the 2026 lottery — must be accompanied by a \$100,000 payment under President Trump's proclamation.
- **Exemptions Confirmed:** The restriction does *not* apply to H-1B petitions filed before Sept. 21, 2025, already approved petitions or individuals holding valid H-1B visas.
- **Uncertainty Around Extensions and Transfers:** It is not yet clear whether the new fee will apply to H-1B extension or transfer applications for individuals already in the United States. Updates are expected as agencies issue further guidance.
- **Travel Advisory:** While current H-1B visa holders remain eligible to travel, international travel is not recommended until the situation stabilizes, given the rapidly evolving policy landscape.

On Friday, Sept. 19, 2025, President Trump signed a Proclamation, Restriction on Entry of Certain Nonimmigrant Workers, requiring a \$100,000 payment for any new H-1B visa petitions submitted on or after Sept. 21, 2025. This includes the 2026 H-1B visa lottery and on any other H-1B petitions submitted on or after Sept. 21, 2025.

We are continuing to monitor the presidential proclamation and subsequent agency memorandums issued by the U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP) and Department of State (DOS) regarding new restrictions on H-1B visas. The situation is fluid and evolving rapidly.

CBP and USCIS have indicated that the restriction does not apply to the following:

- H-1B beneficiaries of petitions filed prior to 12:01 AM ET on Sept. 21, 2025
- H-1B beneficiaries of currently approved petitions
- Individuals in possession of a validly issued H-1B nonimmigrant visa

Currently, the new fee only applies to H-1B applications filed on or after Sept. 21, 2025. It remains unclear whether the fee will also apply to extension applications for individuals already in the U.S. on H-1B status, or to transfer applications filed on behalf of candidates currently on H-1B with another employer, or on another nonimmigrant status in the U.S.

Related People

- Jeffrey S. Bell

Related Capabilities

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While the agencies have indicated that current H-1B visa holders are still allowed to travel to or from the U.S., we recommend against international travel while the situation is still developing.

We understand the significance of these changes and the uncertainty it brings everyone. We will continue to monitor developments closely and provide updates and recommendations as additional guidance becomes available. In the meantime, please reach out to your Polsinelli Immigration counsel or Polsinelli's Executive Action Working Group with any questions.