

New \$100,000 H-1B Visa Fee Dramatically Alters Employment-Based Visa Landscape

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On September 19, 2025, President Trump issued Proclamation "[Restriction on Entry of Certain Nonimmigrant Workers](#)" which significantly restricts the ability for employers to sponsor H-1B nonimmigrant employees by requiring employers to pay the U.S. government a \$100,000 H-1B visa fee. The Proclamation is in line with President Trump's "America First" policies because it incentivizes employers to hire American workers instead of foreign workers.

How the Proclamation Alters the Current H-1B Visa Process

Currently, the H-1B process requires employers to enter employee candidates into an H-1B lottery which includes a \$215 registration fee, and if selected, then there are additional fees ranging from \$780 - \$5,000. The Proclamation dramatically increases the fee amount and will make it difficult for most employers to sponsor H-1Bs. As of now, it appears that the lottery will remain in place along with the new restrictions. If so, employers will still need to first register employee candidates for the lottery, and then if the candidate is selected, the employer can proceed with the H-1B petition but will have to pay the \$100,000 visa fee.

The new restrictions do not apply to all H-1B visas. The Proclamation states that the restrictions do not apply to employees who the Secretary of Homeland Security determines are, or work for a company or in an industry that "are in the national interest and [the applicant] does not pose a threat to the security or welfare of the United States." Also, the [White House](#) clarified that the new fee is a one-time fee per application and does not apply to existing H-1B holders (prior to 12:01 a.m. EDT on September 21, 2025).

Key Takeaways for Businesses

The Proclamation calls on the Secretaries of Commerce, State, and Labor, as well as the Attorney General to work together to implement the restrictions. It is crucial for employers with H-1B employees or who seek to sponsor H-1B employees to consult with immigration counsel regarding the impact of this Proclamation. Notably, there are alternative avenues for employers to sponsor high-performing and/or high-value employees, including for example, the O-1 Visa for extraordinary ability or achievement. Immigration counsel can help guide employers through this complex and ever-evolving immigration landscape.