



Trump Administration Rolls Out Significant Changes for H-1B Visas

\$100K H-1B Visa Fee, New Lottery Rule, Enhanced Enforcement, and More

On Friday, September 19, 2025, during an Oval Office gathering, President Trump announced the creation of the long-promised [“Gold Card”](#) visa.

At the same time, he and Secretary of Commerce Howard Lutnick unveiled a new, significant fee for H-1B visas, which took the business, policy, and media communities by surprise.

President Trump signed a [Proclamation](#) imposing a \$100K fee on H-1B visa petitions. Perhaps confused by the Proclamation’s vagueness, Secretary Lutnick announced this would be an annual fee for all H-1B visas. The Proclamation, as written, also suggested that visa holders outside the U.S. as of the effective date of 12:01 a.m. on September 21, 2025, would be denied reentry by Customs and Border Patrol (CBP). This news sent [shockwaves around the world](#), with reports of H-1B workers scrambling to get back to the U.S.

Since the Friday announcement, the extent and intent of the visa fee have undergone substantial evolution. It’s important to note that the Proclamation language has not been updated; instead, USCIS and CBP have issued FAQs and clarifications, while the press secretary engaged on social media.

How is the \$100K Visa Fee Proclamation interpreted as of Wednesday, September 24?

Following the announcement confusion, the Administration, through USCIS and CBP, has since clarified that the Proclamation “only applies prospectively to petitions that have not yet been filed.” USCIS further stated that “the Proclamation

- does not apply to aliens who: are the beneficiaries of petitions that were filed prior to the effective date of the proclamation, are the beneficiaries of currently approved petitions, or are in possession of validly issued H-1B non-immigrant visas.



- does not impact the ability of any current visa holder to travel to or from the United States.”
- institutes a one-time fee for “new” petitions.
- requires the employer, not the worker, to pay the fee.

As of September 21, at 12:01 a.m., the Department of Homeland Security will suspend adjudication of all H-1B petitions filed by employers until the fee is paid. The Department of State will not approve an employee’s H-1B visa applications until the fee is paid.

Stakeholder groups are actively monitoring the filing of the first “new” petition that requires the fee, as well as instances where a beneficiary is stopped from entering the U.S. due to implementation confusion or because their employer has failed to pay the fee for a new petition. Given the inconsistencies and ambiguities in the Proclamation and the clarifying documents, immigration experts are divided on what constitutes a “new” petition, as they are concerned that a change of status or a change of employer petition may trigger the fee. TechServe will continue to follow and report developments.

How can the President impose this fee through a Proclamation or Executive Order?

Under the Immigration and Nationality Act (INA), visa fees are collected to cover costs and are adjusted through legislation by Congress or through rulemaking. The Proclamation instead relies on provisions in the INA, specifically [Sections 212\(f\) and 215\(a\)](#), that allow the president to restrict immigration; here, President Trump is implementing a \$100,000 fee to accomplish this goal.

The Proclamation cites several reasons for restricting non-immigration employment, substantially focusing on IT “outsourcing” companies, claiming their alleged abuse of the H-1B program creates a national security threat.

- “The abuse of the H-1B program is also a national security threat. Domestic law enforcement agencies have identified and investigated H-1B-reliant outsourcing companies for engaging in visa fraud, conspiracy to launder money, conspiracy under the Racketeer Influenced and Corrupt Organizations Act, and other illicit activities to encourage foreign workers to come to the United States.



- Further, abuses of the H-1B program present a national security threat by discouraging Americans from pursuing careers in science and technology.
- The severe harms that the large-scale abuse of this program has inflicted on our economic and national security demands an immediate response.”

Unstated motivations may include revenue generation and perceived U.S. job creation; however, the unintended consequence could be projects and companies relocating offshore, potentially harming U.S. workers, businesses, and the U.S. economy.

Does the Proclamation provide any exceptions?

Yes, the text of the Proclamation includes language that could exempt an individual, company, or industry from the fee if the Secretary of Homeland Security, in her sole discretion, determines that the exemption would be in the national interest and does not pose a threat to U.S. security. There is speculation that the Secretary may exempt medical professionals, particularly those serving rural areas.

Will someone sue to overturn the Proclamation?

Litigation is expected because it’s unclear whether the President has the authority to impose this fee, although lawsuits may not be filed immediately. New petitions from the FY 2026 lottery were filed months ago. Universities and non-profits, which are exempt from the visa cap, may be the first to trigger the fee if they have petitions that were not filed before September 21. Otherwise, the first fees may not be triggered until April, when companies start filing petitions on behalf of beneficiaries selected in the FY 2027 lottery.

What else does the Proclamation do, and what else is on the horizon for the H-1B program?

The Proclamation is one of several Administration initiatives regarding the H-1B visa program. The Proclamation calls for the Secretaries of DHS and Labor to initiate rulemaking to revise the H-1B lottery and wage levels, respectively, to prioritize the admission of “high-skilled and high-paid aliens.”



On September 24, 2025, the DHS Notice of Proposed Rulemaking to change the H-1B lottery will be published in the Federal Register, initiating a 30-day window to submit comments. The proposed rule favors Level 4 wage level beneficiaries over entry-level workers. Our TechServe Team will carefully review the proposed rule and consult with our members, submitting comments as appropriate.

In the next month or so, DOL is expected to publish a proposed **rule to adjust the prevailing wage levels**. The proposal may resemble the unimplemented 2020 Rule, which TechServe opposed.

More immediately, comments on a proposed rule to **limit the duration of status** for students studying in the U.S. to a defined time and to **rescind deference** for visa renewal consideration are due on September 29, 2025. The duration of status limitation could negatively impact the talent pipeline.

Finally, also on September 19, 2025, the DOL launched an aggressive H-1B visa enforcement program known as "[Project Firewall](#)." The Secretary of Labor will, for the first time, personally certify the initiation of investigations. The Secretary said, "By rooting out fraud and abuse, the Department of Labor and our federal partners will ensure that highly skilled jobs go to Americans first." TechServe will continue to monitor this initiative; Fragomen law firm provides an overview in [this article](#).

Next Steps on the H-1B \$100K Fee Proclamation and Pending Regulations

TechServe is interested in hearing how this new fee and other proposed regulations might impact your business. TechServe members previously received a survey to assess the impact of the fee on tech staffing companies. Please fill out that survey by Sept. 26. Your input will help us focus our legal/policy engagement and member guidance. If you have any other comments or want are a member but have not received the survey, please email us at staff@techservealliance.org. We look forward to working with you.



Resources and More Information

Primary Sources:

[Oval Office Announcement](#), September 19, 2025. Video starts at 50:00 (shows evolution of application)

Proclamation: [Restriction on Entry of Certain Nonimmigrant Workers](#), September 19, 2025

[White House Fact Sheet](#), September 19, 2025

[Department of Labor Project Firewall Memo](#), September 19, 2025

[USCIS H-1B FAQ](#), September 20, 2025

[CBP Post on X](#), September 20, 2025

[USCIS H-1B FAQ](#), September 21, 2025

News:

NBC, "[Trump's New \\$100,000 Visa Fee Sets Off Panic and Confusion](#)," September 21, 2025

CBS 24/7, "[White House clarifies details on Trump's new H-1B visa fee after confusion](#)," September 22, 2025

Legal Articles:

Mintz Law Firm, "[USCIS and CBP Provide Updates to Trump Proclamation Which Purports to Require a \\$100,000 Fee for H-1B Workers Entering the United States](#)," September 22, 2025

Fragomen, "[United States: DOL Intensifies Enforcement of H-1B Wage](#)," September 23, 2025

