



News Alert: Clarification on the New H-1B Proclamation

Earlier today, we circulated an initial communication regarding President Trump's newly signed Proclamation impacting certain H-1B nonimmigrant visa petitions. Based on updated information released by the White House on their official X account (former Twitter) and subsequent clarifications, we provide the following summary. Please note this update reflects the information currently available, and we will continue to provide further guidance as new details emerge.

Key Provisions of the Proclamation:

- **Applicability:** The Proclamation does not apply to individuals who already hold valid H-1B visas. Current visa holders retain the ability to travel in and out of the United States without being subject to the new fee requirement.
- **Scope:** The measure applies exclusively to new H-1B petitions filed in future lottery cycles. It does not affect renewals, amendments, or individuals who participated in the 2025 lottery.
- **Fee Requirement:** A one-time \$100,000 supplemental fee must accompany certain new H-1B petitions. This is not an annual fee and does not apply retroactively.
- **Implementation Timeline:** The policy will first apply to the upcoming lottery cycle, anticipated in early 2026.

Practical Implications:

- Employers with existing H-1B workers are not impacted by this change.
- Individuals holding valid H-1B status may continue to travel internationally and re-enter the United States without restriction under this Proclamation.
- Organizations planning to sponsor new H-1B candidates in future cycles should prepare for the additional financial burden associated with the \$100,000 supplemental filing fee.

Next Steps:

Given the significant impact this development may have on workforce planning, employers should:

1. Review upcoming hiring needs that may rely on the H-1B visa category.
2. Evaluate budgetary adjustments to account for the additional petition cost.
3. Monitor further agency guidance and potential legal challenges that may alter implementation.

We are actively monitoring the situation and will provide timely updates as further details and official guidance are released.

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Urgent Travel Advisory for H-1B Visa Holders: New U.S. Entry Restrictions Starting 12:01 a.m. Eastern Daylight Time on September 21, 2025

On **September 19, 2025**, President Trump issued an executive order imposing a temporary restriction on the entry of foreign workers holding H-1B visas who are currently outside the United States. This restriction will remain in place unless the sponsoring employer pays a **\$100,000 fee** per individual worker or if the individual qualifies for a national interest waiver.

This measure is set to take effect on **September 21, 2025, at 12:01 a.m. EDT**, and will last for **12 months**, expiring on **September 21, 2026**, unless extended.

Travel Recommendations for Affected Individuals

- **For Those Currently in the U.S.**

It is highly advised to avoid international travel until further guidance from U.S. authorities is made available. Leaving the country could complicate reentry, unless the supplemental fee is paid or a waiver is granted.

- **For Those Outside the U.S.**

If you're currently abroad and hold an H-1B visa, we urge you to **return to the U.S. by 11:59 p.m. EDT on September 20, 2025**, to avoid being impacted by this new restriction.

After **September 21, 2025**, entry into the U.S. may be denied unless:

- The **\$100,000 fee** is paid for your case, or
- You receive a **national interest waiver** from the Department of Homeland Security (DHS).

Key Details of the Proclamation

- **Who Is Affected?**

- **H-1B workers** who are outside the U.S. and seeking entry or reentry.
- **Employers** who sponsor these H-1B workers.

- **Enforcement and Documentation**

- DHS will **reject** H-1B petitions for those abroad unless proof of the \$100,000 fee payment is submitted.
- The **State Department (DOS)** will verify the payment during the visa process and issue rules to prevent misuse of visitor visas (B-1/B-2) by those seeking to circumvent this restriction.

- **National Interest Waivers**

DHS may grant exemptions for individuals, companies, or sectors if hiring H-1B workers is deemed essential to U.S. interests and doesn't pose a security threat.

Potential Exceptions and Future H-1B Program Adjustments

- Certain individuals, companies, or industries may be exempt from the restrictions if DHS determines it serves the **national interest**.
- The **Department of Labor (DOL)** will begin a process to **increase prevailing wages** for H-1B workers and prioritize high-skilled, higher-paid foreign workers in the future.

Guidance for Employers and Employees

- **Employers:** Urge all H-1B employees currently abroad to **return to the U.S. before the deadline** of September 20, 2025.
Advise H-1B employees within the U.S. to **avoid international travel** until further clarification from the U.S. government.
- **Next Steps:** Evaluate the **impact** of the \$100,000 fee on operations and future hires. Consider whether any positions could qualify for **national interest waivers** and prepare for possible changes in the **H-1B lottery** and wage levels.

Implementation Details Still Pending

While the proclamation has been signed, **guidance on enforcement** from DHS and DOS is still forthcoming, which may create some uncertainty regarding how these rules will be implemented at U.S. consulates and border entry points.

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