

## USCIS Clarifies \$100,000 H-1B Fee Requirement

October 22, 2025



On September 19, 2025, the President issued a Proclamation: Restriction on Entry of Certain Nonimmigrant Workers, introducing a significant new requirement for some H-1B visa petitions.

Following this proclamation, the United States Immigration and Citizenship Services (USCIS) updated the [H-1B Specialty Occupations](#) [1] page to include a section titled "Presidential Proclamation on Restriction on Entry of Certain Nonimmigrant Workers" on October 20<sup>th</sup> and has now clarified how the new \$100,000 supplemental payment applies to H-1B petitions filed on or after September 21, 2025. The information below is based on this most up-to-date information and builds upon [our previous post and guidance](#) [2] regarding this proclamation.

### Who Must Pay the \$100,000 Fee?

The supplemental \$100,000 payment applies to:

- H-1B petitions filed on or after September 21, 2025, for individuals who are outside the United States and do not hold a valid H-1B visa; and
- Petitions requesting consular processing (visa issuance abroad), port of entry notification, or pre-flight inspection for beneficiaries inside the U.S.

The payment also applies if:

- A petition requests a change of status, amendment, or extension of stay, and USCIS finds the individual is ineligible for these requests (e.g., not in a valid non-immigrant status), or

- The individual departs the U.S. before the petition is adjudicated.

### Who Is Exempt?

The fee does not apply to:

- Any H-1B visa issued before 12:01 a.m. EDT on September 21, 2025.
- Any H-1B petitions filed before that date.
- Current H-1B holders (including those traveling internationally).
- H-1B petitions filed on or after September 21, 2025, requesting a change of status, amendment, or extension of stay for someone already in the U.S., provided USCIS approves the request.

Additionally, individuals approved for an amendment, change of status, or extension within the U.S. will not owe the fee if they later travel abroad and return using the same H-1B approval.

### How To Pay

USCIS has now clarified that in cases where the fee applies, the \$100,000 payment must be made before filing the H-1B petition through Pay.gov, and proof of payment must be included with the petition. Petitions that require a fee but are filed without proof of payment (or without an approved exception by the Secretary of Homeland Security) will be denied by USCIS.

### Exception Requests

USCIS also clarified that exceptions to the \$100,000 H-1B payment might be granted in the “extraordinarily rare circumstance” where the Secretary of Homeland Security determined that:

- The H-1B worker’s employment is in the national interest,
- No qualified U.S. worker is available for the position,
- The worker poses no security or welfare risk, and
- Requiring the payment would undermine U.S. interests.

Employers seeking an exception were directed to submit a formal request with supporting evidence to [H1BExceptions@hq.dhs.gov](mailto:H1BExceptions@hq.dhs.gov) [3].

### Next Steps & Updated Guidance

- OISS will work closely with departments to determine whether a case is subject to the new fee.
- Departments planning to sponsor new H-1B employees (particularly those who are currently outside the U.S.) should contact OISS early to ensure sufficient time for review and guidance about next steps.
- Current H-1B employees, and individuals who are in the U.S. and for whom OISS filed an H-1B petition after September 21, 2025, requesting a change of status, amendment, or extension of stay, are not impacted by this proclamation.
- For our alumni and graduating students, it appears that H-1B cap lottery submissions for next year will likely not be subject to the Proclamation’s \$100,000 H-1B fee, provided that, after being selected in the lottery, your employer files an H-1B petition for a change of status for you while you remain in the U.S. and the petition is approved.

Please reach out to [your designated OISS adviser](#) [4] with any questions or for guidance on specific cases.

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## [H-1 Visas](#)

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### Links

[1] <https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations> [2] <https://oiss.yale.edu/news/presidential-proclamation-restricting-entry-of-h-1b-workers-updated-agency-guidance-on-its-implementation> [3] <https://oiss.yale.edu/news/presidential-proclamation-restricting-entry-of-h-1b-workers-updated-agency-guidance-on-its-implementation> [4] <https://oiss.yale.edu/about/connect-with-oiss#findadviser> [5] <https://oiss.yale.edu/for-departments/visa-options-for-international-faculty-and-researchers/about-h-1b-visas>