

[Legal Alerts](#)

New H-1B Visa Restrictions: What Employers Need to Know

09.22.25 04.30.26

On September 19, 2025, the White House issued a proclamation introducing new restrictions on the H-1B visa program. The proclamation stated that, effective September 21, entry into the United States on an H-1B visa would require an additional \$100,000 payment by the sponsoring employer.

The proclamation did not clearly distinguish between new and existing visa holders. In the hours following the announcement, many companies and immigration counsel urged H-1B employees to remain in the United States, return before September 21 or cancel international travel plans. That guidance reflected real concern that current visa holders abroad, or those seeking renewals, could also be subject to the new requirement.

Within 24 hours, the White House issued clarifications to address the confusion. Officials confirmed that the \$100,000 fee is a one-time payment that applies only to new H-1B petitions filed after the effective date of the proclamation. Those with current H-1B approval and/or a validly issued H-1B visa, and those with a pending H-1B petition, including those traveling internationally, are not impacted, and status extensions are not subject to the new fee. U.S. Citizenship and Immigration Services (USCIS) and Customs and Border Protection (CBP) have since released additional guidance consistent with these clarifications.

Even with the most recent guidance, uncertainty remains. Questions persist about how the new fee will be collected and processed, and litigation challenging the proclamation is anticipated. Employers, universities and foreign governments have also raised concerns about the broader impact on workforce planning, competitiveness and access to global talent.

For employers, the immediate takeaway is that existing H-1B employees and petitions filed prior to September 21 are unaffected. Companies planning to sponsor new H-1B workers in the upcoming fiscal year, however, should prepare for significantly higher costs and closely monitor agency guidance in the coming months.

If you have questions about how these changes may affect your workforce, or if you need guidance on H-1B planning, please contact Foster Garvey's [Immigration](#) team.

Authored by

[Leo C. Peng](#)

[Principal|Seattle](#)

[206.816.1537 leo.peng@foster.com](#)

Related Areas

- [Immigration](#)
- [Labor, Employment & Immigration](#)