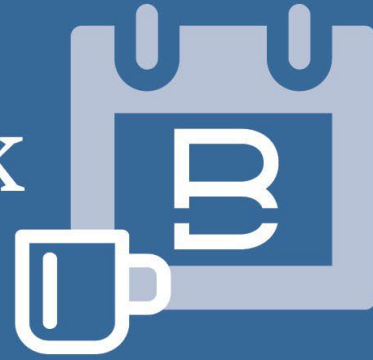


The Work Week

Bassford Remele Employment Practice Group



September 29, 2025

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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The New \$100,000 H-1B Visa Fee: What Employers Know and What They Don't

[Michael J. Pfau](#)

On September 21, 2025, President Trump signed a proclamation implementing one of the most dramatic changes to the H-1B visa program in decades: a \$100,000 supplemental fee on certain H-1B visas. For employers who rely on global talent, this development raises both immediate compliance questions and long-term strategic concerns. Despite some clarifications coming from the White House, the details of this sweeping new policy remain unclear. We are going to break down what we know at this point and what remains unclear.

What We Know

Any new H-1B petition filed after 12:01 a.m. EDT on September 21, 2025 must include a \$100,000 supplemental payment, on top of existing filing fees. This is a one-time charge, not a recurring or annual fee, as clarified by the White House. This fee is set to expire, absent any extension, 12 months from the effective date. Here are a few additional key points we do know:

- Not retroactive: Petitions filed before September 21, 2025, are exempt.
- Current visa holders: Beneficiaries already in valid H-1B status are not subject to the fee.
- Extensions and renewals: Petitions to extend or renew existing H-1B status do not trigger the fee.
- Travel: Current H-1B visa holders may continue to travel without being subject to the new charge.

What We Don't Know Yet

- *The Collection Point*
 - Will the fee be collected by the United States Citizenship and Immigration Services at the time of filing, by the State Department at consular posts, or by Customs and Border Protection at entry?
- *Scope of Entry*
 - Will the fee apply to a worker already in the U.S. changing to H-1B Status?
- *National Interest Exemptions*
 - The Executive Order allows for exemptions where national interests are at stake at the discretion of the Secretary of Homeland Security, but the criteria, process, and timing remain unclear.
 - It is also uncertain whether employees in healthcare, research, or in other critical industries will be prioritized.
- *Transition Rules*
 - Guidance is incomplete on petitions filed shortly after the effective date and time, coordination among agencies, and whether grace periods or phased implementation will emerge.

The new proclamation is certain to face legal challenges as critics argue the executive branch may lack the authority to impose such a fee without congressional approval. These legal challenges will almost certainly slow, modify, or even block the implementation.

The \$100,000 H-1B fee introduces significant uncertainty for employers. While some boundaries are clear, many operational details remain in flux. For now, employers should treat the fee as real and applicable while building contingency plans that account for exemptions, litigation outcomes, further regulatory changes, and evolving guidance from the White House.

The Bassford Remele Employment Group will continue to closely monitor developments surrounding the new H-1B fee and related immigration policies. We will keep employers updated as additional guidance, exemptions, and court challenges emerge, and are available to discuss how these changes may affect your workforce planning. Please reach out with any questions.

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