



## Administration Increases H-1B Visa Fee to \$100,000

*Updated 24 September 2025*

**Action:** The President issued a [proclamation](#) requiring that employers pay a \$100,000 fee for new H-1B visa petitions. Per guidance [issued](#) by US Citizenship and Immigration Services, the fee applies only to petitions that were not filed prior to September 21 and does not affect the entry of current visa holders. The Proclamation states that the policy is set to expire after 12 months and directs relevant agencies to make a recommendation whether to extend the policy. Individuals whose hiring, at the Secretary of Homeland Security's discretion, is "in the national interest" may be exempt.

The Proclamation further directs the Secretary of Homeland Security to revise the process by which H-1B visas are allocated from a lottery to a system that prioritizes admission of "high-skilled and high-paid" individuals. It also directs the Secretary of Labor to revise existing prevailing wage requirements to prevent employers from hiring lower-cost foreign labor instead of US workers, which could be subject to legal challenge.

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- The H-1B visa program is [designed](#) to allow US employers to hire individuals with "highly specialized" skills in "specialty occupations." US law [currently](#) sets a cap of 85,000 H-1B issuances per year. Because renewals and certain research and education employers do not count against the cap, the US issued (including renewals) about 220,000 H-1B visas in 2024.
- In his Proclamation, the President argues that some companies have abused the

program by hiring foreign workers at lower wages than they would have paid US workers and frames abuse of the program as a national security threat. However, [research](#) indicates that the program boosts the [productivity](#) of US firms and increases jobs and [wages](#) for native workers.

- The law further [states](#) that visas should be allocated in the order in which they are received. However, because petitions quickly exceeded the cap set by Congress, USCIS [regulations](#) establish that any petitions received within the first five business days after filings can be made will be selected at random. In a frequently cited case, a US District Court [determined](#) that this is a “permissible construction” of the statute since Congress did not specify how USCIS should handle petitions received on the same day in excess of the statutory cap. It is unclear how courts may rule on a legal challenge to a revised allocation system.
- The lack of evidence that the program harms US workers or firms leaves the Proclamation potentially vulnerable to legal challenge. Generally, visa processing fees are set by Congress – indeed, recently passed legislation [increased](#) fees for a range of immigration services. However, the Proclamation cites 8 U.S.C. 1182(f), which gives the President the authority to restrict entry when he determines that such entry is “detrimental to the interests” of the US. It is [unclear](#) how courts might rule on whether this gives the President the power to set fees.
- Amazon, Tata Consultancy Services, Microsoft, Meta, and Apple are the [largest](#) H-1B visa employers. Press reports [indicate](#) that tech firms have mixed opinions about the change with some supporters suggesting the policy will ensure that the visas are reserved for only the most valuable employees and others arguing that it would disadvantage startups that cannot afford the fee and drive skilled workers to other countries. The fees may also negatively impact universities that employ H-1B visa holders. Harvard, for [example](#), sponsored 125 new H-1B visa holders annually between 2017 and 2024.
- Prior to the Proclamation, the US [charged](#) fees less than \$5,000 for H-1B visa petitions, though employers [might](#) spend up to \$10,000 when accounting for legal expenses.
- The Proclamation did not provide guidance regarding the process by which the Secretary of Homeland Security may choose to issue exemptions.

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