

Update to White House Proclamation on \$100,000 H-1B Payment

Alert

10.22.2025

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Almost one month to the day, USCIS provided a much-needed [update](#) regarding the controversial \$100,000 payment attached to H-1B petitions filed after September 21, 2025, for foreign workers. The USCIS website notes that any foreign national physically present in the United States and properly maintaining their immigration status would not be required to make the payment. These H-1B filings include cap exempt, change of status, change of employer, amendment, and extension petitions. In these scenarios, if the H-1B petition is approved, the foreign national may travel abroad and apply for an H-1B visa and reenter the United States without triggering the payment. However, if USCIS makes a finding that the foreign national was NOT properly maintaining their status or if the beneficiary departs the United States prior to adjudication of a change of status request, the payment will apply.

The \$100,000 payment is therefore primarily impacting filings for beneficiaries outside the United States who are not in H-1B status and do not have a valid H-1B visa or cases requesting consular or port of entry notification.

The USCIS update provides instructions on how to make the payment using pay.gov or, if applicable, how to provide evidence that a qualifying exception has been granted from the Department of Homeland Security. Proof of payment or the grant of exception is required with the submitted H-1B petition. The exceptions appear to be more limited than originally contemplated and are to be granted only in extraordinary circumstances: where the H-1B beneficiary's presence is in the national interest; American workers are unavailable for the role; the beneficiary poses no threat to the U.S. security; and the \$100,000 fee requirement would undermine United States interests.

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There continues to be ongoing litigation to abolish the \$100,000 payment outlined in the Proclamation.

Employers contemplating submitting H-1B lottery registrations for F-1 international students in March 2026 can proceed as in years past without the hefty payment required.

This important immigration announcement is an update to the original Stinson Alert: [White House Proclamation Imposes \\$100,000 Payment on New H-1B Petitions for Workers from Abroad](#)

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