

The H-1B visa program remains one of the most sought-after ways for highly skilled foreign professionals to work in the United States. But 2025 has brought some of the most significant changes to the program in years — changes that impact employers, employees, and those planning to transfer or start a new H-1B role.

Please Note: Since the policy is under legal review and subject to litigation or regulatory modification, please note that these are provisional changes based on a presidential proclamation and may be subject to court or Congressional action.

Quick Facts (2025 H-1B Updates)

- \$100,000 **one-time filing fee** applies to new overseas petitions.
- Transfers, extensions, and U.S.-based change-of-status petitions **remain exempt**.
- Prevailing wage levels are set to rise — employers must plan for higher salaries.
- H-1B lottery registrations dropped 27% compared to last year.

Here's a breakdown of what you need to know.

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New \$100,000 Fee for Certain H-1B Petitions

In September 2025, a presidential proclamation introduced a **\$100,000 one-time application fee** for employers filing new H-1B petitions for workers **outside the United States**.

This fee applies primarily to:

- **New consular-processed petitions** (when the employee is abroad)
- **Cap-subject petitions** filed for first-time H-1B beneficiaries overseas

H-1B Visa Fee Exemptions

The fee does **not** typically apply to:

- H-1B transfers for employees already working in the U.S.
- H-1B extensions or amendments
- Change-of-status petitions filed from within the U.S.
- Cases that qualify for a **national interest exemption** (to be determined by DHS)

H-1B Filing Scenarios - Who Pays the \$100,000 Fee?

Filing Scenario	Subject to \$100,000 Fee?	Notes / Additional Info
New Cap-Subject Petition (Employee Abroad)	<input type="checkbox"/> Yes	Applies to first-time H-1B petitions filed through consular processing.

Filing Scenario	Subject to \$100,000 Fee?	Notes / Additional Info
New Cap-Subject Petition (Employee in U.S.)	<input type="checkbox"/> No	Change-of-status petitions filed from inside the U.S. are currently exempt.
H-1B Transfer (Same or New Employer)	<input type="checkbox"/> No	Transfers within the U.S. are not subject to the fee.
H-1B Extension or Amendment	<input type="checkbox"/> No	Standard filing fees apply, but not the new \$100,000 surcharge.
National Interest Exemption Case	<input type="checkbox"/> Likely No	DHS has discretion to waive the fee if the petition serves a national interest.
Cap-Exempt Employers/Institutions (Universities, Nonprofits)	<input type="checkbox"/> No	These petitions are generally not subject to cap or new fees.

Prevailing Wage & Salary Requirements Set to Rise

The Department of Homeland Security and the Department of Labor have been instructed to **adjust prevailing wage levels upward**. This means that employers may soon be required to offer **higher salaries** for H-1B employees to remain compliant.

The goal is to ensure that the H-1B program is used primarily for **high-skilled, high-wage positions** rather than as a source of inexpensive labor.

Impact on H-1B Cap Registration Trends

For FY 2026, USCIS reported a **27% drop in H-1B cap registrations** compared to FY 2025.

This decline is widely attributed to:

- Anticipation of the new fee
- Increased compliance costs
- Uncertainty about future policy changes

While this may improve the odds for those who do register, it also indicates a more selective and cost-intensive process for employers.

Employer & Employee Action Plan

For Employers:

- Budget for potential new costs if hiring from abroad
- Evaluate whether an employee can **enter the U.S. first** and then file a transfer petition to avoid the new fee
- Review salary structures to ensure compliance with upcoming wage level changes

For Employees:

- Consider whether you are eligible for a **change-of-status petition** from within the U.S.
- Discuss with your employer whether a **national interest exemption** might apply
- Explore alternative visa categories, such as O-1 (extraordinary ability), if the new cost makes H-1B sponsorship less viable

Looking for Step-by-Step H-1B Transfer Guidance?

If you are already in the United States and considering a transfer, check out our [Comprehensive H-1B Visa Transfer Guide](#) for a detailed, step-by-step process.

Key Takeaways

- A **\$100,000 filing fee** now applies to certain overseas petitions.
- **Prevailing wage levels** will likely rise, requiring higher salaries for H-1B workers.
- H-1B cap registrations have dropped, making this a potentially good year for those still

filing — but only if prepared.

- **Transfers and extensions filed from inside the U.S. remain exempt** from the new fee, keeping them a cost-effective option.

Frequently Asked Questions (FAQs):

What are the new employer costs associated with the H-1B visa for 2025?

In 2025, employers will be subject to a new one-time fee of \$100,000 for H-1B visa applications submitted from abroad, in addition to existing costs related to filing and compliance.

How have the prevailing wage requirements changed?

Recent updates have increased the prevailing wage requirements for H-1B visa holders, reflecting a commitment to ensuring that foreign workers are compensated fairly in relation to their U.S. counterparts.

What should I do to stay informed about these changes?

It is crucial to follow official government announcements and consult with an experienced immigration attorney to navigate the implications of these updates on your specific circumstances.

Are there any new limitations on H-1B visa renewals?

Yes, recent regulations have introduced stricter eligibility criteria for H-1B visa renewals,

requiring additional documentation to demonstrate ongoing compliance with the updated regulations.

What options are available for employers seeking to hire foreign workers?

Employers should explore alternative visa categories, such as the L-1 for intra-company transfers or the O-1 for individuals with extraordinary ability, as potential options to meet their staffing needs.

How can workers prepare for the new requirements?

Foreign workers should gather all necessary documentation and ensure their skills align with the prevailing wage standards to improve their chances of visa approval under the new requirements.

What impact might these changes have on the job market?

These adjustments may lead to increased competition for H-1B visas and could potentially affect the hiring strategies of companies seeking to attract skilled talent from abroad.

Disclaimer:

The policies described in this post — including the \$100,000 fee for H-1B visa applications from abroad and updates to prevailing wage requirements — are based on recent presidential proclamations and proposed rules (as of September 2025). Some changes are not yet formally published, may be subject to legal challenges, regulatory rulemaking, or exemptions, and could be modified. Anyone impacted should consult official government sources or an experienced immigration attorney to understand how these updates affect

their specific situation.

Key Sources & Government Announcements:

- Trump signed a proclamation adding a **\$100,000 fee** for certain H-1B visa applications. [AP News+2Bloomberg+2](#)
- Employers are being directed to pay the new H-1B fee for many applications filed overseas. [Reuters+1](#)
- The proclamation takes effect starting **September 21, 2025**. [Biz Legal Services+2The News Minute+2](#)
- DHS and Department of Labor are expected to amend prevailing wage rules, increasing wage levels for H-1B roles. [Boundless+1](#)
- USCIS has submitted a proposed rule titled *Weighted Selection Process for Registrants and Petitioners Seeking Cap-Subject H-1B Petitions*, which has cleared initial federal review. [NAFSA+1](#)