

## Presidential Proclamation: Restriction on Entry of Certain Nonimmigrant Workers

On September 19, 2025, President Trump issued a proclamation restricting the entry of anyone seeking to enter or reenter the U.S. in H-1B status without payment of a new \$100,000 fee. The proclamation, titled Restriction on Entry of **Certain Nonimmigrant Workers is effective date is 12:01 a.m. EDT Sunday, September 21, 2025**, and is set to expire after one year.

On September 20, 2025, USCIS and CBP issued Memoranda which noted that the proclamation applies to petitions filed after 12:01 am EDT on September 21, 2025. Specifically, it clarifies that “[t]his **Proclamation only applies to petitions that have not yet been filed.**”

While we wait for details regarding implementation, **below are key points and considerations:**

- The proclamation is effective 12:01 a.m. EDT September 21, 2025. It expires in 12 months but may be extended.
- The proclamation targets entry of H-1B workers into the U.S. who are currently outside the U.S. pursuant to INA 212(f).
- The restriction on entry applies only to H-1B workers who attempt to enter the U.S. after the effective date. It does not appear to impact H-1B workers already in the U.S.
  - However, it could impact those who subsequently leave and try to reenter the U.S. in H-1B status during the effective period of the proclamation.

- USCIS shall not adjudicate petitions unless they are accompanied by proof of payment of the \$100,000 fee for H-1B workers who are currently outside of the U.S.
- Extensions of stay inside the U.S., including change of employer, change of status and amended petitions —where the beneficiary remains in lawful H-1B status—are not expressly covered, so unless instructed otherwise, it appears they are exempt.
- Within 30 days of the next H-1B lottery (i.e., March 2026), the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of Homeland Security shall jointly submit a recommendation to the President as to whether renewing or extending the restriction on reentry is in the best interest of the U.S.
- Secretary of State shall issue guidance to prevent the misuse of B visas by beneficiaries of approved H-1B petitions who have start dates prior to 10/1/26 – presumably to prevent them from entering and filing a change of status and avoiding the fee.
- Secretary of Labor shall initiate rulemaking to revise the prevailing wage levels and to prioritize the admission of high-skilled and high-paid nonimmigrants.

**Exceptions:** There may be exceptions for an individual, a company, or an industry, if DHS determines that it is in the national interest of the U.S. and does not pose a threat to the security or welfare of the U.S. The language of the Proclamation does not address whether this new fee and travel restriction applies to cap-exempt H-1B workers outside of the U.S.

The Cline Williams Immigration Law Section is closely monitoring this new development and will send an updated advisory alerts as needed.