

\$100,000 H-1B fee won't apply to status change or extension cases: USCIS

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The \$100,000 fee imposed by the Trump administration on new H-1B visa petitions will not apply to applicants seeking a “change of status” or “extension of stay”, according to fresh guidelines.

Issued by the US Citizenship and Immigration Services (USCIS) on Monday, the guidelines clarified the exemptions to President Donald Trump's September 19 proclamation, ‘Restriction on entry of certain non-immigrant workers’, which will raise the fee for new H-1B visas to a steep \$100,000 (approx INR 88 lakhs).

“The Proclamation does not apply to any previously issued and currently valid H-1B visas, or any petitions submitted prior to 12:01 am eastern daylight time on September 21, 2025,” the USCIS said. It added that the proclamation also does not prevent any current H-1B holder from travelling in and out of the US. The USCIS clarified that the fee does not apply to “change of status” cases where individuals switch categories without leaving the country, such as moving from F-1 student status to H-1B status.

“It says the fee only applies to cases filed for people outside the United States, so they can come in,” Dan Berger of Green & Spiegel told Forbes



Who is exempt

- Applicants already holding valid H-1B visas
- Petitions submitted before 12:01 am EDT on September 21, 2025
- Individuals changing status inside the US (e.g., from F-1 to H-1B)
- H-1B holders travelling in and out of the US

Who must pay

- New H-1B applicants outside the US applying for visas to enter the country
- Those deemed ineligible for a change of status or extension by USCIS

in an interview.

The proclamation does not apply to a petition filed at or after “12:01 am eastern daylight time on September 21, 2025, that is requesting an amendment, change of status, or extension of stay for

an alien inside the US where the alien is granted such amendment, change, or extension.

“Further, an alien beneficiary of such petition will not be considered to be subject to the payment if he or she subsequently departs the United States and applies for a visa based on the approved petition and/or seeks to reenter the United States on a current H-1B visa.”

However, if the USCIS determines that the person is “ineligible for a change of status or an amendment or extension of stay”, then the fee would apply.

A beneficiary will not be considered to be subject to the payment if they subsequently depart the US and apply for a visa based on the approved petition and/or seek to re-enter the US on a current H-1B visa, it said.

The proclamation signed by the US President raised the fee for H-1B visas to a staggering \$100,000 annually, in a move that could adversely impact Indian professionals on visas in the US.

The lawsuit, filed on October 16 in a district court in Columbia, challenged the proclamation and said it exceeded the president's lawful authority.

Tens of thousands of highly skilled people in specialised fields boost the American economy each year after obtaining H-1B status, it said.