

# Roundup: Employer resources on H-1B reforms

Law & Policy Group  
September 29, 2025; updated June 16, 2026

By Stephanie Rosseau and Fiona Webster



# Contents

|                                                 |   |
|-------------------------------------------------|---|
| 1. Introduction .....                           | 2 |
| 2. Highlights .....                             | 3 |
| 3. Government resources .....                   | 5 |
| 4. Law firm analyses, news and viewpoints ..... | 6 |

## Section 1

# Introduction

On September 19, 2025, President Trump signed a proclamation to restrict the entry into the US of H-1B alien workers in specialty occupations, requiring a \$100,000 payment to accompany or supplement H-1B visa petitions for new applications. Since then, implementation of the proclamation has caused confusion among employers and H-1B holders. On June 8, 2026, a federal judge struck down the \$100,000 surcharge and ruled that it was an unauthorized tax that violated the Administrative Procedure Act and the Constitution. Twenty states had sued to block the fee. On June 12, the judge temporarily paused his order until June 18, while the Trump administration seeks an emergency stay from the First Circuit Court of Appeals.

On December 29, 2025, USCIS published a final rule that will replace the prior random lottery process for the selection of new H-1B visas with a system that prioritizes the allocation of visas to higher skilled and higher paid foreign workers.

To provide employers with some information about the new H-1B visa requirements and the varying aspects and issues to consider, this roundup provides links to government information, third-party analyses, news articles, and viewpoints. The aggregated content in each section is organized in reverse chronological order and is by no means comprehensive. The content also does not necessarily reflect Mercer's or the authors' point of view on the subject.

## Section 2

# Highlights

The H-1B visa program is designed to help US employers fill positions that require specialized knowledge and skills not readily available in the domestic labor market. Examples of specialty occupations include architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology and the arts.

On September 19, 2025, President Trump signed the “Restriction on Entry of Certain Nonimmigrant Workers,” proclamation designed to take “an important, initial, and incremental step to reform the H-1B visa program to curb abuses and protect American workers.” Other planned H-1B changes were also included in the proclamation. Guidance in response to the proclamation has been issued by US Citizenship and Immigration Services (USCIS), US Customs and Border Protection (CBP), the Department of State (DOS), and the Department of Homeland Security (DHS).

The proclamation:

- Requires a \$100,000 payment to accompany any new H-1B visa petitions submitted from September 21, 2025. DOS (including consulates and embassies) will verify receipt of the payment and will only approve those H-1B visa stamp applications for which the employer has paid the required fee. Employers are required to retain documentation of payment remittance.
- Authorizes DHS and DOS to coordinate to take all necessary and appropriate action to implement the proclamation. Guidance has since been issued by USCIS, CBP and DOS.
- Includes an exception for employees working for a company or working in an industry, if the Secretary of Homeland Security determines, in her discretion, that the hiring of such individuals as H-1B specialty occupation workers is in the national interest and does not pose a threat to the security or welfare of the US.
- Became effective on September 21, 2025, and is effective for 12 months — but may be extended.

However, on June 8, 2026, a federal judge struck down the \$100,000 surcharge and ruled that it was an unauthorized tax that violated the Administrative Procedure Act and the Constitution. [On June 12, the judge temporarily paused his order until June 18, while the Trump administration seeks an emergency stay from the First Circuit Court of Appeals.](#)

On December 29, 2025, USCIS published a final rule — Weighted Selection Process for Registrants and Petitioners seeking to file cap-subject H-1B petitions — that replaces the prior random lottery process for the selection of new H-1B visas with a system that prioritizes the allocation of visas to higher skilled and higher paid foreign workers. This final rule took effect on February 27, 2026, and will be in place for the FY 2027 H-1B cap registration season. The new system applies to both the H-1B regular cap of 65,000 visas and the U.S. advanced degree exemption of 20,000 visas.

## Section 3

# Government resources

- [State of California et al., v. Mark Wayne Mullin et al.](#), (USDC of Massachusetts, June 8, 2026)
- [H-1B specialty occupations](#) (US Citizenship and Immigration Services (USCIS))
- [H-1B visa payment to remove restriction](#) (Pay.gov)
- [Improving wage protections for the temporary and permanent employment of certain foreign nationals in the United States](#) (Federal Register, March 27, 2026)
- [Guidance on BIA decision: \*Matter of Texperts Inc.\*](#) (USCIS, March 9, 2026)
- [Weighted selection process for registrants and petitioners seeking to file cap-subject H-1B petitions](#) (Federal Register, December 29, 2025)
- [DHS changes process for awarding H-1B work visas to better protect American workers](#) (USCIS, December 23, 2025)
- [Grassley, Durbin propose bipartisan H-1B and L-1 visa reforms to protect American workers and stop outsourcing jobs](#) (US Senate Committee on the Judiciary, September 29, 2025)
- [Grassley, Durbin take aim at tech, finance and retail sectors for favoring H-1B visa holders over American workers](#) (Chuck Grassley, September 25, 2025)
- [Weighted selection process for registrants and petitioners seeking to file cap-subject H-1B petitions](#) (Federal Register, September 24, 2025)
- [H-1B FAQ](#) (USCIS, September 21, 2025)
- [H-1B FAQ](#) (Department of State, September 21, 2025)
- [Memorandum regarding proclamation](#) (Customs and Border Protection, September 20, 2025)
- [Restriction on entry of certain nonimmigrant workers](#) (The White House, September 19, 2025)
- [Fact sheet: President Donald J. Trump suspends the entry of certain alien nonimmigrant workers](#) (White House, September 19, 2025)
- [US Department of Labor launches Project Firewall to protect America's highly skilled workforce](#) (Department of Labor, September 19, 2025)

## Section 4

# Law firm analyses, news and viewpoints

- [Judge pauses order blocking controversial \\$100,000 H-1B fee pending appeal](#) (VisaVerge, June 15, 2026)
- [Judge agrees to partly pause order tossing \\$100,000 H-1B fee](#) (subscription required) (Bloomberg Law, June 12, 2026)
- [Trump administration is appealing ruling on \\$100,000 H-1B fee](#) (subscription required) (Bloomberg Law, June 11, 2026)
- [Congress' taxing power key to Trump loss on \\$100,000 H-1B fee](#) (subscription required) (Bloomberg Law, June 9, 2026)
- [H-1B visa rules have changed again. What to know: Explainer](#) (subscription required) (Bloomberg Law, June 9, 2026)
- [Judge blocks Trump's \\$100,000 H-1B visa fee](#) (CNBC, June 8, 2026)
- [Immigration ruling strikes down \\$100,000 H-1B fee. What's next?](#) (Forbes, June 8, 2026)
- [Trump's \\$100,000 H-1B visa application fee rejected by judge](#) (subscription required) (Bloomberg Law, June 8, 2026)
- [Homeland's Mullin signals flexibility on \\$100,000 H-1B visa fees](#) (subscription required) (Bloomberg Law, June 2, 2026)
- [New USCIS guidance may require employers to rethink permanent residence status](#) (Mayer Brown, May 22, 2026)
- [Employers see spike in labor department immigration enforcement](#) (subscription required) (Bloomberg Law, April 7, 2026)
- [DOL proposes higher prevailing wage requirements for H-1B, H-1B1, E-3, and PERM filings](#) (KPMG, April 7, 2026)
- [H-1B lottery debrief — Insights and observations](#) (Mayer Brown, April 6, 2026)
- [H-1B visa row: Indians are 'new oil, coal or gas,' says immigration expert](#) (Business Standard, April 6, 2026)

- [H-1B wage overhaul proposal adds to sticker shock for employers](#) (subscription required) (Bloomberg Law, April 1, 2026)
- [Employers hit H-1B worker cap for fiscal year 2027, USCIS says](#) (subscription required) (Bloomberg Law, March 31, 2026)
- [DOL targets prevailing wages: Sweeping increases proposed for H-1B, H-1B1, E-3 and PERM](#) (Holland & Knight, March 31, 2026)
- [DOL proposes higher wage rates for H-1B visa holders](#) (HR Digest, March 30, 2026)
- [DOL seeks to hike H-1B visa holder wage rates to curb abuse of program](#) (HR Dive, March 27, 2026)
- [New immigration rule raises required H-1B visa and immigrant salaries](#) (Forbes, March 27, 2026)
- [New H-1B wage rules may lift foreign worker pay by \\$14,000 a year](#) (The Economic Times, March 27, 2026)
- [Breaking: DOL proposes to increase prevailing wage levels for H-1B PERM-based green card applications](#) (Constangy, March 26, 2026)
- [H-1B employers would pay higher wages in new Trump proposal](#) (subscription required) (Bloomberg Law, March 26, 2026)
- [USCIS guidance adds consequences for immigrant fraud findings](#) (subscription required) (Bloomberg Law, March 19, 2026)
- [Judge in H-1B fee suit wants feedback on refugee ruling's impact](#) (subscription required) (Bloomberg Law, March 9, 2026)
- [Research backing \\$100,000 H-1B fee under fire ahead of hearing](#) (subscription required) (Bloomberg Law, March 6, 2026)
- [First H-1B lottery with Trump's \\$100,000 fee is underway](#) (subscription required) (Bloomberg Law, March 5, 2026)
- [Businesses prep H-1B backups as revamped visa lottery opens](#) (subscription required) (Bloomberg Law, March 2, 2026)
- [GOP states' halt to H-1B labor squeezes health-care providers](#) (subscription required) (Bloomberg Law, February 25, 2026)
- [H-1B visa lottery changes — What should US employers expect in 2026 and beyond?](#) (Squire Patton Boggs, February 2026)
- [Tariff ruling undermines \\$100,000 Trump H1-B fee, chamber says](#) (subscription required) (Bloomberg Law, February 24, 2026)

- [New wage-weighted H-1B cap selection process effective February 27, 2026](#) (Shumaker, February 20, 2026)
- [Employers need to prepare now for the FY 2027 H-1B lottery process](#) (Whiteford, February 13, 2026)
- [US lawmaker introduces bill to end H-1B visa programme](#) (The Economic Times, February 10, 2026)
- [H-1B lottery 2026: Wage-based strategy for employers](#) (Mayer Brown, February 10, 2026)
- [USCIS finalizes wage weighted H-1B cap selection rule, effective February 27, 2026](#) (Greenberg Traurig, February 10, 2026)
- [Texas' self-defeating H-1B pause](#) (Wall Street Journal, February 10, 2026)
- [Trump's immigration policy shifts shake up law firm talent pool](#) (subscription required) (Bloomberg Law, February 4, 2026)
- [H-1B registration window opens March 4, 2026](#) (Michael Best, February 3, 2026)
- [Trump gold card is unlawful pay-to-play scheme, suit says](#) (subscription required) (Bloomberg Law, February 3, 2026)
- [Immigrant visa pause tests employers, but some doors remain open](#) (subscription required) (Bloomberg Law, January 30, 2026)
- [H-1B lottery process opens March 4 with new weighted selection](#) (subscription required) (Bloomberg Law, January 30, 2026)
- [Stranded H-1B workers cause tax dilemma](#) (subscription required) (Bloomberg Law, January 27, 2026)
- [Trump's H-1B chaos is fueling an AI boom in Indian tech industry](#) (subscription required) (Bloomberg Law, January 23, 2026)
- [Major changes to the H-1B visa application process for fiscal year 2027](#) (Fox Rothschild, January 13, 2026)
- [Evisceration of the H-1B visa program through executive action](#) (Cyrus D. Mehta, January 6, 2026)
- [Legal row over Trump's \\$100k H-1B fee intensifies after US judge declared visa proclamation lawful](#) (Financial Express, January 6, 2026)
- [H-1B updates: Weighted lottery, H-1B fee, entry restrictions, social media screening, travel restrictions](#) (Constangy, January 5, 2025)

- [H-1B program update: DC court upholds presidential proclamation as DHS finalizes wage-weighted lottery for FY 2027](#) (Greenberg Traurig, January 5, 2026)
- [US Labour Department data reveals how much Walmart pays designers, software engineers, and other tech workers on H-1B visa](#) (Times of India, January 5, 2026)
- [Higher wage levels, better odds: Understanding the new H1-B lottery rule](#) (Seyfarth Shaw, December 31, 2025)
- [Deloitte dodges H-1B worker's lawsuit over withdrawn job offer](#) (subscription required) (Bloomberg Law, December 31, 2025)
- [Year-end immigration alerts: H-1B weighted lottery rule issued, H-1B fee upheld, travel ban expanded](#) (Morgan Lewis, December 31, 2025)
- [DHS amends regulations governing the H-1B work visa selection process](#) (Greenberg Traurig, December 31, 2025)
- [New H-1B rule pushes employers to rethink workforce options](#) (subscription required) (Bloomberg Law, December 29, 2025)
- [US Chamber statement on H-1B decision](#) (Chamber of Commerce, December 23, 2025)
- [Trump's \\$100,000 H-1B worker fee allowed in US Chamber loss](#) (subscription required) (Bloomberg Law, December 23, 2025)
- [H-1B visa weighted selection regulation released by DHS](#) (subscription required) (Bloomberg Law, December 23, 2025)
- [DC judge probes presidential powers in first test of H-1B fee](#) (subscription required) (Bloomberg Law, December 19, 2025)
- [Tata, Infosys bear brunt of Trump's \\$100,000 H-1B fee](#) (subscription required) (Bloomberg Law, December 16, 2025)
- [States sue over Trump's \\$100,000 H-1B visa application fee](#) (subscription required) (Bloomberg Law, December 12, 2025)
- [State department announces expanded screening and vetting of H-1B and H-4 visa applications](#) (Ogletree Deakins, December 9, 2025)
- [H1-B interviews delayed in India amid social media review](#) (subscription required) (Bloomberg Law, December 9, 2025)
- [Labor department expands H-1B oversight, tests enforcement power](#) (subscription required) (Bloomberg Law, December 2, 2025)
- [The H-1B visa category is facing the biggest challenge in its history — Developing alternative options](#) (Greenspoon Marder, November 26, 2025)

- [\\$100K H-1B fee explained — Impact on job changes after the proclamation](#) (Mayer Brown, November 17, 2025)
- [Update to the new \\$100,000 H-1B fee: Who is exempt and who must pay](#) (Squire Patton Boggs, November 17, 2025)
- [Trump's H-1B push gets blowback from 'America-first' Republicans](#) (subscription required) (Bloomberg Law, November 14, 2025)
- [H1-B filing strategies for 2026: Smart alternatives for employers who can't wait](#) (Berardi Immigration Law, November 13, 2025)
- [Trump defends H-1B visas as needed despite moves to raise costs](#) (subscription required) (Bloomberg Law, November 11, 2025)
- [H-1B lottery revamp plan undercuts Trump goals, employers warn](#) (subscription required) (Bloomberg Law, November 10, 2025)
- [To protect American jobs: US launches 175 probes into alleged H-1B visa abuses under "Project Firewall" crackdown](#) (Firstpost, November 7, 2025)
- [Additional USCIS guidance issued on new H-1B fee](#) (KPMG, November 7, 2025)
- [Expanding E-3 visas to UK workers is an answer to H1-B's crisis](#) (subscription required) (Bloomberg Law, November 6, 2025)
- [H-1B visa hopefuls are being shut out of jobs by wary recruiters](#) (subscription required) (Bloomberg Law, November 6, 2025)
- [Tech startups seek solutions to avoid Trump's \\$100,000 H-1B fee](#) (subscription required) (Bloomberg Law, October 31, 2025)
- [Updated guidance on Executive Order restricting entry of H-1B employment-based nonimmigrants](#) (Troutman Pepper Locke, October 30, 2025)
- [DHS to end automatic extension of immigrants' work permits](#) (subscription required) (Bloomberg Law, October 29, 2025)
- [DeSantis aims to block H-1B hiring at Florida universities](#) (subscription required) (Bloomberg Law, October 29, 2025)
- [HR groups say proposed H-1B overhaul would hurt smaller members](#) (subscription required) (Bloomberg Law, October 28, 2025)
- [H1-B visa hirings: Local hires, temporary halts & more — how companies are taking alternative routes to avoid \\$100k fee](#) (Times of India, October 26, 2025)
- [Foreign grads seeking H-1B status avoid \\$100,000 Trump fee](#) (subscription required) (Bloomberg Law, October 20, 2025)

- [US Chamber files lawsuit to support businesses' use of H-1B visas](#) (US Chamber of Commerce, October 16, 2025)
- [US Chamber sues to block Trump \\$100,000 fee for H-1B workers](#) (subscription required) (Bloomberg Law, October 16, 2025)
- [US senators pose nine questions to TCS on hiring practices in America, H-1B approach](#) (The Economic Times, October 7, 2025)
- [‘We were getting second league picks’: Global tech firms seek to benefit from US visa clampdown](#) (subscription required) (Financial Times, October 6, 2025)
- [“Trump has no authority”: What lawsuit against \\$100,000 H-1B visa hike](#) (Business Standard, October 6, 2025)
- [Trump hit with first lawsuit to halt \\$100,000 H-1B entry fee](#) (subscription required) (Bloomberg Law, October 3, 2025)
- [The war on H-1Bs has a new bipartisan front](#) (subscription required) (Bloomberg Law, September 30, 2025)
- [Why wage-based H-1B is not all bad news for Indian IT](#) (The Economic Times, September 30, 2025)
- [Implications of a federal government shutdown on US immigration agencies](#) (KPMG, September 29, 2025)
- [H-1B contracting forms targeted by bipartisan Senate measure](#) (subscription required) (Bloomberg Law, September 29, 2025)
- [US senators reintroduce bill to reform H-1B, L-1 visa rules as Trump fee fuels scrutiny](#) (Reuters, September 29, 2025)
- [Laid-off tech workers say H-1B crackdown won't help them get a job](#) (The Wall Street Journal, September 27, 2025)
- [Universities may face huge costs from Trump's \\$100,000 H-1B visa fee](#) (Forbes, September 26, 2025)
- [Trump's new H-1B visa restrictions create chaos for white-collar immigrants](#) (USA Today, September 26, 2025)
- [Summary of White House announcements impacting the H-1B Program: What we know now](#) (Morgan Lewis, September 26, 2025)
- [DOL launches Project Firewall with immigration, wage & hour, and criminal implications for employers](#) (Morgan Lewis, September 26, 2025)
- [DHS proposes significant changes to H-1B visa lottery](#) (Akin, September 26, 2025)

- [Labor department threatens H-1B ban for rule-breaking businesses](#) (subscription required) (Bloomberg Tax, September 25, 2025)
- [Trump H-1B lottery proposal tests authority to pick visa winners](#) (subscription required) (Bloomberg Tax, September 25, 2025)
- [Proposed H-1B changes: How weighted selection may impact employer strategy](#) (Greenberg Traurig, September 25, 2025)
- [Proposed H-1B regulation open for public comment, would establish weighted registration selection process](#) (BAL, September 25, 2025)
- [DHS proposes weighted selection of H-1B cap registrations based on wage level](#) (Herbert Smith Freehills Kramer, September 25, 2025)
- [US Chamber tests members' will to fight Trump on H-1B visas](#) (subscription required) (Bloomberg Law, September 24, 2025)
- [Interview waiver policy change for nonimmigrant visa renewals](#) (Cozen O'Connor, September 24, 2025)
- [The \\$100,000 fee on H-1B Entries: What employers need to know](#) (Buchalter, September 24, 2025)
- [FAQs regarding the presidential proclamation of September 19, 2025 on H-1B visas](#) (Littler, September 24, 2025)
- [Trump administration continues to target the H-1B Visa Program, now proposing to favor higher paying positions](#) (Thompson Hine, September 24, 2025)
- [The new \\$100,000 H-1B filing fee: Employer considerations](#) (Greenberg Traurig, September 24, 2025)
- [H-1B update: Changing prevailing wage levels, prioritizing high-skill, high-wage positions](#) (Jackson Lewis, September 24, 2025)
- ['Weighted' registration reform proposed to United States H-1B programme](#) (Smith Stone Walters, September 24, 2025)
- [Trump \\$100,000 H-1B visa move under review by California AG](#) (subscription required) (Bloomberg Law, September 24, 2025)
- [H-1B fee's sparse details sow confusion at schools, nonprofits](#) (subscription required) (Bloomberg Tax, September 24, 2025)
- [DHS publishes notice of proposed rulemaking that would modify the H-1B lottery selection process](#) (Phillips Lytle, September 24, 2025)
- [US Chamber tests members' will to fight Trump on H-1B visas](#) (subscription required) (Bloomberg Tax, September 24, 2025)

- [Here's what immigration attorneys say about Trump's \\$100,000 H-1B fee](#) (CBS, September 23, 2025)
- [Trump plans H-1B lottery overhaul to prioritize higher earners](#) (subscription required) (Bloomberg Law, September 23, 2025)
- [Trump H-1B fees pose threats to AI startups' access to talent](#) (subscription required) (Bloomberg Law, September 23, 2025)
- [Update regarding H-1B visas: What the new proclamation on H-1B visas means for employers and foreign workers](#) (Buchanan, September 23, 2025)
- [President Trump issues proclamation restricting entry of certain H-1B workers and an executive order creating the gold card program](#) (K&L Gates, September 23, 2025)
- [Trump H-1B fees pose threats to AI startups' access to talent](#) (subscription required) (Bloomberg Law, September 23, 2025)
- [Dimon says Trump's new H-1B visa fee 'caught everyone off guard'](#) (subscription required) (Bloomberg Law, September 23, 2025)
- [H-1B visas are crucial to US productivity](#) (subscription required) (Bloomberg Law, September 23, 2025)
- [What we know and don't know about Trump's H-1B crackdown](#) (Newsweek, September 22, 2025)
- [Presidential proclamation issued restricting entry of certain H-1B workers](#) (Masuda Funai, September 22, 2025)
- [Presidential proclamation on H-1B restrictions and fees — what we know as of September 22](#) (Dickinson Wright, September 22, 2025)
- [Impact of executive order restricting entry of H-1B employment-based nonimmigrants](#) (Troutman Pepper Locke, September 22, 2025)
- [Employer alert: \\$100,000 H-1B fee and travel restrictions](#) (Davis Wright Tremaine, September 22, 2025)
- [Executive Order imposes new \\$100,000 fee per H-1B workers](#) (Thompson Hine, September 22, 2025)
- [The White House's H-1B proclamation — What employers and workers need to know about the new \\$100,000 fee](#) (Hunton, September 22, 2025)
- [US presidential proclamation imposes restrictions on the entry of certain H-1B non-immigrants](#) (Dentons, September 22, 2025)

- [Trump administration issues clarifications on H-1B proclamation and \\$100K entry fee — uncertainty remains](#) (Jackson Lewis, September 22, 2025)
- [H-1B \\$100,00 entry fee: What employers should know](#) (Cozen O'Connor, September 22, 2025)

- [Trump's \\$100,000 H-1B fee fuels stress for staff, employers](#) (subscription required) (Bloomberg Law, September 22, 2025)
- [White House says doctors may win reprieve from H-1B visa fees](#) (subscription required) (Bloomberg Law, September 22, 2025)
- [H-1B fears prompt flyers to get off plane just before takeoff](#) (subscription required) (Bloomberg Law, September 22, 2025)
- [Trump's \\$100,000 visa targets a \\$280 billion India success story](#) (subscription required) (Bloomberg Law, September 22, 2025)
- [Trump's \\$100,000 H-1B visa change sparks chaos at Tech firms](#) (subscription required) (Bloomberg Law, September 21, 2025)
- [\\$100,000 H-1B visa fee alarms Indian IT sector, immigration lawyers expected to mount legal challenge to Trump's Executive Order](#) (Money Control, September 20, 2025)
- [H-1B visa holders face \\$100,000 entry fee](#) (Ogletree Deakins, September 20, 2025)
- [U.S. Chamber statement: H-1B executive action](#) (U.S. Chamber of Commerce, September 20, 2025)
- [What are H-1B visas? Trump's \\$100,000 fees could impact Amazon, Apple and Google](#) (Forbes, September 20, 2025)
- [Labor Secretary to personally certify new H-1B investigations](#) (subscription required) (Bloomberg Law, September 20, 2025)
- [Trump's \\$100,000 H1-B invites immediate legal challenges](#) (subscription required) (Bloomberg Law, September 20, 2025)
- [Why Trump wants to charge \\$100,000 for H-1B visas: Quick take](#) (subscription required) (Bloomberg Law, September 19, 2025)

*Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.*

# MERCER

A MARSH BUSINESS

**Mercer (US) LLC**

1166 Avenue of the Americas  
New York, NY 10036

[www.mercer.com](http://www.mercer.com)

Copyright 2026 Marsh. All rights reserved.