





Immigration News Alert

Lawsuit Challenges \$100,000 H-1B Visa Entry Fee

October 3, 2025

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Key Point

- A federal lawsuit challenges a \$100,000 fee on new H-1B visa petitions, alleging it's unlawful and harms key U.S. industries

Legal Challenge Targets Sudden \$100K H-1B Visa Fee

October 3, 2025 – A coalition of healthcare organizations, labor unions, academic institutions, religious groups and individual workers [filed a federal lawsuit](#) today in the Northern District of California challenging a presidential proclamation that imposes a \$100,000 fee on new H-1B visa petitions.

The complaint, led by Global Nurse Force and several national unions, argues that the fee is unlawful. It was announced with less than 36 hours' notice and, according to plaintiffs, exceeds the President's authority under the Immigration and Nationality Act (INA). They claim the policy disrupts the statutory H-1B framework that Congress established and threatens critical workforce pipelines in healthcare, education and research.

Background on the H-1B Fee

On September 19, 2025, President Trump [issued a proclamation](#) titled "Restriction on Entry of Certain Nonimmigrant Workers," conditioning H-1B visa entry on a \$100,000 payment by sponsoring employers. USCIS, the State Department and Customs and Border Protection enforce the fee on all new petitions that employers file after September 21, 2025.

For a detailed breakdown of the fee and its implications, visit our [H-1B Fee FAQ](#).

Plaintiffs allege that the administration implemented the policy without public notice or comment, violating the Administrative Procedure Act. They also argue that the fee is arbitrary, capricious, and unconstitutional. According to the complaint, it unfairly burdens hospitals, schools, religious organizations and small businesses—sectors that rely heavily on skilled foreign workers to meet essential needs.

Key Allegations

- The fee creates a “pay-to-play” system that undermines the integrity of the H-1B program.
- Employers and workers were forced to scramble in response, with some abandoning travel plans to avoid being barred from reentry.
- The policy harms underserved communities by restricting access to foreign-trained physicians, nurses, educators and religious leaders.
- The President lacks the authority to impose fees or override Congress’s detailed statutory scheme for H-1B visas.

Relief Sought

Plaintiffs are seeking declaratory and injunctive relief. Their goal is to block enforcement of the \$100,000 requirement and restore the statutory structure of the H-1B program.

Other \$100,000 H-1B Visa Fee Litigation

On December 12, 2025, the Attorneys General of California and Massachusetts sued the Trump administration, challenging its new \$ 100,000 H-1B visa petition fee as unlawful and harmful to employers. For a full breakdown of the lawsuit, visit Envoy Global’s news alert: [States Challenge Trump Administration’s \\$100,000 H-1B Fee](#).

Additionally, on October 16, 2025, the U.S. Chamber of Commerce [filed a federal lawsuit](#) against a presidential proclamation that imposes a \$100,000 fee on all new H-1B visa petitions. The Chamber argues that this fee violates the Immigration and Nationality Act (INA), which mandates that visa fees be based on actual government processing costs. For a full breakdown, visit Envoy Global’s news alert: [U.S. Chamber of Commerce Lawsuit Challenges \\$100,000 H-1B Visa Fee](#).

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