



# THE UNIVERSITY OF NORTH CAROLINA SYSTEM

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Last updated: 3:08 p.m., 10/20/2025. The following is for informational purposes only.

**On Friday, September 19, 2025, President Trump signed a presidential proclamation titled: *Restriction on Entry of Certain Nonimmigrant Workers*, which was effective starting 12:01 a.m. EDT on Sunday, September 21, 2025.** Unless otherwise extended, the restriction will expire in one year.

<https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/>

Since the Proclamation was issued, the White House, Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and United States Department of State (DOS) have issued additional guidance.

As noted in the DOS FAQ, further reforms may be announced in the coming months.

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## **Q: Who is impacted by the Proclamation?**

A: The Proclamation “requires a \$100,000 payment to accompany **any new H-1B petitions submitted after 12:01 a.m. eastern daylight time on Sept. 21, 2025.** This includes [submissions for] the 2026 lottery, and any other H-1B petitions submitted after 12:01 a.m. eastern daylight time on Sept. 21, 2025.”

Specifically, USCIS guidance issued October 20, 2025 clarifies that the Proclamation applies to:

- Any new H-1B petition submitted to USCIS after 12:01 a.m. eastern daylight time on Sept. 21, 2025 for which the beneficiary is outside the U.S. and does not have a valid H-1B visa stamp.
- Any H-1B petition submitted to USCIS after 12:01 a.m. eastern daylight time on Sept. 21, 2025 that requests consular notification, port of entry notification, or pre-flight inspection for beneficiary in the U.S.
- An H-1B petition submitted after 12:01 a.m. eastern daylight time on Sept. 21, 2025 that requests a change of status or amendment or extension of stay and USCIS determines that the beneficiary is ineligible for the requested change of status or amendment or extension. Examples provided by USCIS include when the beneficiary is not in valid nonimmigrant status at the time of filing or if the beneficiary departs the U.S. prior to adjudication of a change of status request.

**Q: Who is not impacted by the Proclamation?**

A: According to the USCIS guidance:

- The Proclamation does not apply to any previously issued H-1B visas, or any petitions submitted prior to 12:01 a.m. eastern daylight time on Sunday, Sept. 21, 2025. Nor does the Proclamation prevent any holder of a current H-1B visa stamp or any beneficiary following approval of such a petition from traveling in and out of the U.S.
- **The Proclamation does not apply to a petition filed after 12:01 a.m. eastern daylight time on Sunday, Sept. 21, 2025 that requests a change of status or an amendment or an extension of status for which the beneficiary is inside the U.S. The beneficiary of such a petition is not subject to the Proclamation if they subsequently travel outside the U.S. and apply for an H-1B visa stamp based on the approved petition or seek to reenter the U.S. on a current H-1B visa stamp.**

Presumably, an H-1B petition requesting a change of H-1B employer for which the beneficiary is in the U.S. and consular processing is NOT requested would also not be subject to the petition. Such a petition is not explicitly addressed.

**Q: How does an employer pay the fee if owed?**

A: Payment is to be made via pay.gov prior to filing the related H-1B petition. Thereafter, the H-1B petition must include proof of payment or that an exception has been approved by the Secretary.

**Q: Are any industries or organizations exempt from the Proclamation, such as institutions of higher education?**

A: While there are no express exemptions contained within the Proclamation, the Proclamation provides for waivers that can be granted by the DHS Secretary of Homeland Security. USCIS explains that the Secretary may be grant exceptions to the \$100,000 fee in “the extraordinarily rare circumstance where the Secretary determined that a particular alien worker’s presence in the United States as an H-1B worker is in the national interest, that no American worker is available to file the role, that the alien worker does not pose a threat to the security and welfare of the United States, and that requiring the petitioning employer to make the payment on the alien’s behalf would significantly undermine the interests of the United States.” The process for requesting an exception is to email the Secretary at [H1BExceptions@hgs.dhs.gov](mailto:H1BExceptions@hgs.dhs.gov) with a written request and all supporting evidence.

**Engaging in International Travel:**

As always, if an H-1B employee’s purpose for traveling is personal, you should direct them to seek guidance from their private counsel. They must be mindful that U.S. reentry can never be assured in advance. Changes to U.S. policies and procedures that impact the international travel of foreign national to and from the U.S. can occur with little notice.

If an H-1B employee will be traveling internationally on university business, the university should first reconsider the necessity of this travel from an institutional standpoint. Regardless of who is travelling, the university must consider whether undertaking the travel is fiscally responsible. If the travel is deemed necessary, there is always risk as noted above. If the traveler is unable to return to the U.S. as

scheduled, they may not simply fulfill their duties and responsibilities remotely as there are legal consequences and obligations that the university must evaluate regarding remote work.

**Additional Notes:**

The Proclamation directs DOS to take steps to ensure against the abuse of the B/ESTA nonimmigrant visa classification.

The Proclamation directs that DOL engage in rulemaking to revise and raise the prevailing wage levels to “upskill the H-1B program” and “to ensure it is used to hire only the best of the best temporary foreign workers.” Further, DHS is to undergo rulemaking to prioritize high-skilled, high-paid works in the H-1B Lottery.

**Resources:**

Presidential Proclamation: <https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/>

White House Fact Sheet: <https://www.whitehouse.gov/fact-sheets/2025/09/fact-sheet-president-donald-j-trump-suspends-the-entry-of-certain-alien-nonimmigrant-workers/>

DOS: <https://travel.state.gov/content/travel/en/News/visas-news/restriction-on-entry-of-certain-nonimmigrant-workers.html>

<https://www.state.gov/h-1b-faq/>

CBP: <https://x.com/CBP/status/1969512486627095007>

USCIS:

<https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations>

[https://www.uscis.gov/sites/default/files/document/memos/H1B\\_Proc\\_Memo\\_FINAL.pdf](https://www.uscis.gov/sites/default/files/document/memos/H1B_Proc_Memo_FINAL.pdf)

<https://www.uscis.gov/newsroom/alerts/h-1b-faq>