

PRACTICE RESOURCES

Practice Alert: Travel Ban on H-1B Nonimmigrants Takes Effect on 12:01 am on September 21

9/19/25 | AILA Doc. No. 25091904. | [H-1B & H-1B1 Specialty Occupation](#)

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.

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 Secretary 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.

Practice Tip: Members should advise clients immediately and encourage any H-1B workers who are currently abroad to return to the U.S. as soon as possible before the effective date. Travel outside of the U.S. for visa processing/renewals will be impacted so H-1B workers should refrain from all international travel until implementation is further clarified. For H-1B cap case beneficiaries with approved petitions and a valid H-1B visa, they should seek to enter the U.S. as soon as possible.

AILA will continue to monitor this and provide updates as necessary.

Special thanks to USCIS Benefits Policy Committee members Fuji Whittenburg, Olga Rojas, Vince Lau and Executive Committee Member Alexis Axelrad for their contributions to this resource.



Know Your Rights: If ICE Comes to Your Workplace (For Employees)

All people living in the United States, including undocumented immigrants, have certain U.S. constitutional rights. If Immigration and Customs Enforcement (ICE) officers come to your workplace, they must have either (1) a valid search warrant, or (2) consent from your employer to enter non-public areas. However, ICE can enter public areas of your workplace (such as the lobby or reception area) without a warrant or consent from your employer.

If you are undocumented and ICE officers arrive at your workplace, remember your options and rights:

1. Stay Calm

- Do not panic or run away.
- If an officer stops you, you may ask if you are free to leave.
 - If they say yes, walk away calmly.
 - If they say no, stay where you are and do not attempt to leave.

2. You Have the Right to Remain Silent

- You do not have to speak to ICE, answer any questions, or show any documents.
- If you are asked where you were born, how you entered the United States, or your immigration status, you may refuse to answer or remain silent.
- If you choose to remain silent, say it out loud, “I choose to remain silent.”
- If officers ask you to stand in a group based on your immigration status, you do not have to move. You can also move to an area not designated for a particular group.
- Be prepared to assert your rights by downloading, printing and carrying this card which you can show to the immigration officers: <https://www.ilrc.org/red-cards-tarjetas-rojas>. This card states that you do not wish to speak, answer any questions, or sign any documents.
- If you do not understand English, state the language you speak.

3. You are Not Required to Show Immigration Documents

- You may refuse to show identity documents that reveal your country of nationality or citizenship.

- Never show false documents or provide false information.
- Do not say you were born in the United States if you were not, and do not claim to be a U.S. citizen if you are not one.

4. You Have the Right to Contact a Lawyer

- If you are detained or taken into custody, you have the right to contact a lawyer immediately.
- Even if you do not have a lawyer, you may tell the immigration officers that you want to speak to one by saying, “I want to speak to a lawyer.”
- If you have a lawyer, you have the right to speak to that lawyer. If you have proof of that relationship (such as a signed **Form G-28**) give it to an officer.
- If you do not have a lawyer, ask for a list of pro bono (free) or low bono (low cost) lawyers.

5. You Do Not Have to Sign Anything

- Do not sign any paperwork until you speak with a lawyer.
- If you choose to sign something, make sure you fully understand what it means. Signing documents may waive your rights or lead to deportation.

6. If You Believe Your Rights Have Been Violated

- Write down what happened or ask a witness to do so.
- Include specific details like names, badge numbers, and exactly what was said and done.
- Report the violation to a lawyer or an immigrant rights organization.

For more information about your rights or to see if you qualify for immigration relief, consult an immigration lawyer. Visit www.ailalawyer.org to find legal help.