

Adapting with Intention:

Employer Strategies for Managing Recent H-1B Fee Changes

A one-time \$100,000 surcharge has been enacted on new H-1B visa petitions through a [presidential proclamation](#), effective for filings submitted after September 21, 2025.

This new fee applies only to new petitions — not renewals or existing visa holders — and adds to current filing costs of roughly \$2,000 to \$5,000.

For HR and talent leaders, the change raises important questions about when sponsorship makes sense and how to manage costs and risk. This paper breaks down what you need to know to make informed decisions for your workforce.

Determining Whether \$100,000 Is a Worthwhile Investment

The following framework provides a structured method for assessing whether the new H-1B surcharge aligns with an organization’s strategic and financial priorities:

1. Strategic Value of the Role

- ✓ Is the employee in a mission-critical role?
- ✓ Will the employee generate revenue, drive innovation or provide key expertise?
- ✓ Calculate the expected ROI of the employees’ contributions versus the fee.

2. Talent Availability

- ✓ Can the role be filled locally or with existing staff?
- ✓ If talent is scarce in the U.S., the fee may be justified to secure top global talent.

3. Opportunity Cost of Delay

- ✓ Delays in hiring or project execution due to visa constraints can be costly.
- ✓ Factor in lost revenue, missed project deadlines or competitive disadvantage.

4. Compliance and Risk Mitigation

- ✓ Consider the cost of non-compliance, potential fines or visa denials.
- ✓ Paying the fee may be cheaper than the operational risk of unfilled positions.

5. Scalability

- ✓ For companies with multiple H-1B hires, calculate the cumulative impact of \$100,000 per employee.
- ✓ Explore priority hiring or alternative visa pathways to optimize overall investment.



Decision Matrix: A Tool for Cost-Benefit Decisions

Use this table to evaluate key factors when deciding whether to move forward with H-1B sponsorship.

Factor	High	Medium	Low	Implication
Role Criticality	Mission-critical	Important but replaceable	Non-essential	Only high-critical roles justify \$100K
Talent Scarcity	Rare expertise	Moderate availability	Readily available	Scarce talent strengthens justification
Revenue/Project Impact	>\$100K/year	~\$50–100K	< \$50K	ROI should exceed \$100K to justify fee
Alternative Visa Options	Not feasible	Some options (O-1, TN, L-1)	Multiple options	Lack of alternatives strengthens fee case
Compliance Risk	High operational/legal risk	Moderate	Low	High risk supports investment

Recommendations for Employers

Develop an H-1B Investment Policy

- ✓ **Define Investment Criteria:** Establish which roles justify paying the \$100,000 H-1B fee based on ROI, strategic importance and business impact thresholds.
- ✓ **Set Sponsorship Standards:** Define clear eligibility criteria for H-1B sponsorship and incorporate them into your talent acquisition and mobility policies.

Integrate Financial Planning

- ✓ **Budget Proactively:** Incorporate immigration-related costs into HR and global mobility budgets. Use annual workforce planning to manage spend, considering phased or selective H-1B filings as appropriate.

Monitor Legal and Regulatory Updates

- ✓ **Stay Current:** Track national interest exceptions, litigation outcomes and USCIS/DOL guidance.
- ✓ **Adapt Policies:** Establish a process for ongoing monitoring and timely policy updates as regulations evolve.

Leverage Alternative Talent Solutions

- ✓ **Diversify Talent Strategies:** Evaluate remote work, contractors, or alternative visa categories to reduce reliance on H-1B sponsorships.
- ✓ **Optimize with Technology:** Benchmark talent strategies and leverage AI-driven tools to streamline processes, improve compliance and lower costs.

Document Decisions

- ✓ **Maintain Investment Records:** Record the business case and rationale for each H-1B petition to demonstrate compliance and investment justification.
- ✓ **Enhance Audit Readiness:** Use robust technology platforms to maintain thorough documentation supporting compliance, audits and internal reviews.

Employee Retention and Onboarding Risk

Beyond compliance and visa denial concerns, employers should also consider the operational impact of onboarding delays and the potential for employees to leave after visa approval.



Onboarding Delays:

Visa processing delays can slow down project timelines, delay role fulfillment and affect overall productivity. These setbacks may lead to missed deadlines, revenue loss or disruptions to key initiatives.



Post-Approval Turnover:

Another critical risk is the possibility of employees departing shortly after receiving visa approval. This undermines the return on investment and may leave key roles unfilled despite the \$100,000 fee incurred.

To help mitigate these risks, consider implementing retention bonuses or agreements that encourage employees to stay with the company for a defined period after approval. These measures protect your investment and help maintain stability in critical roles.

