

FAQs from Association Members on the Presidential Proclamation on H-1B Visas

1. When you say “new H1B employment,” does that include transferring from one H1B employer to another?

The proclamation applies only to the “entry” of individuals on *new* H-1B petitions filed after 12:01 AM ET on September 21, 2025. As a result, individuals already employed in the United States under H-1B status may be exempt. Based on the proclamation’s language and agency guidance to date, we interpret that intra-U.S. transfers do not constitute entry requests and therefore should not be affected. That said, this remains an evolving situation, and each case in this category must be assessed against the most current guidance available at the time of filing.

2. Is there an exception for roles related to AI?

The White House and relevant agencies have not yet formally announced any exemptions to the H-1B proclamation, including positions related to artificial intelligence.

3. What constitutes a “new H1-B applicant” and would it include a H1-B lottery submission prior to September 21?

Per guidance from the [Department of State](#), a “new H-1B applicant” refers to petitions filed after 12:01 AM ET on September 21, 2025. This definition covers the 2026 lottery as well as any other H-1B petitions submitted after that date and time.

4. If an employee travels internationally to renew their H-1B (consular stamping) and then re-enters the U.S., will this trigger the \$100,000 fee?

According to the [Department of State](#), the proclamation “does not change any payments or fees required to be submitted in connection with any H-1B renewals. The fee is a one-time fee on submission of a new H-1B petition.”

5. Do we know or have a sense when DOL’s *Project Firewall*, the enforcement initiative for H-1Bs will begin noticing employers of an inquiry/audit?

The U.S. Department of Labor recently launched Project Firewall, a sweeping enforcement initiative aimed at ensuring compliance with H-1B visa rules. While no new employer obligations have been introduced, employers should expect heightened scrutiny and more frequent investigations starting immediately. Employers could face investigations under Project Firewall if there is “reasonable cause” to suspect abuse of the H-1B visa program. Employers may be looked at for underpaying, failing to recruit U.S. workers in good faith, or otherwise violating program rules. If a violation is found, potential consequences include:

- Back wages owed to U.S. or H-1B workers harmed by the violation
- Civil money penalties
- Debarment from sponsoring H-1B visas for a period of time

The questions listed above are not exhaustive; rather, they reflect those raised by Association members during our October 1 webinar. We recognize that significant ambiguity and uncertainty remain. To address these concerns, the Association has submitted a letter to the White House requesting clarification on behalf of our members. We will continue to advocate on your behalf and share updates as new developments arise.