

October 3, 2025

The Honorable Donald J. Trump
President of the United States
Washington, DC

The Honorable Kristi Noem
Secretary of Homeland Security
Washington, DC

The Honorable Lori Chavez-DeRemer
Secretary of Labor
Washington, DC

RE: HR Policy Association Seeks Additional Guidance on H-1B Proclamation Implementation

Dear Mr. President, Secretary Noem and Secretary Chavez-DeRemer,

HR Policy Association (“HRPA” or “Association”) writes in response to the Proclamation, “*Restriction on Entry of Certain Nonimmigrant Workers*”. The Association supports efforts to strengthen the American economy, expand opportunities for American workers, and foster an environment where businesses can thrive. A competitive workforce and a dynamic business climate are essential to driving U.S. innovation, growth, and leadership in the global marketplace. While the Departments charged with implementing the Proclamation have issued initial guidance, significant questions remain regarding employer sponsorship of H-1B visas and the scope of its application. The Association respectfully requests further guidance and clarification from the White House and the Departments of Homeland Security and Labor.

HR Policy Association is a public policy advocacy organization that represents the chief human resource officers (CHROs) of more than 360 of the largest corporations doing business in the United States and globally. Collectively, their companies employ more than 10 million employees in the United States, nearly nine percent of the private sector workforce. Since its founding, one of HRPA's principal missions has been to ensure that laws and policies affecting human resources, including talent, are sound, practical, and responsive to labor and employment issues arising in the workplace.

The Association and its member companies remain committed to supporting the President's agenda of prioritizing American workers and advancing national prosperity. Many of our members are actively working with the administration to sustain and expand investments that strengthen the U.S. economy, grow the workforce, and enhance America's long-term competitiveness.

To help member companies fully comply with the new H-1B visa petition requirements already in effect, the Association respectfully requests additional guidance and clarification on several outstanding questions raised by the Proclamation:

1. Will the \$100,000 fee apply to any H-1B petitions other than those selected in the 2026 lottery or later?
2. Which agency will be responsible for making the National Interest Exemption determination?
3. What is the process or procedure for seeking a National Interest Exemption from the fee?

4. How will the grant of a National Interest Exemption be documented for an individual, an employer, or an industry? And can an exemption be used in all subsequent H-1B petitions?
5. Which agency will be responsible for collecting the payment? What is the mechanism for paying the fee?
6. As the public has not yet received instructions on how to submit the required fee, despite the requirement being in effect, will petitioners who filed a “new H-1B petition” on or after September 21, 2025, be issued a Request for Evidence to remit payment?
7. What measures is USCIS taking to ensure H-1B petitions are not incorrectly denied, given the significant financial burden this new fee presents? What avenues are available for applicants to appeal a denial and potentially recoup the \$100,000 fee if the denial was unjustified?
8. Will there be any updates to the processing timelines for H-1B petitions? Will the Proclamation impact premium processing fees?
9. Will there be any process for recovering the \$100,000 fee if a petition is denied?
10. Are H-1B cap-exempt employers exempted from the \$100,000 fee?
11. The Proclamation says “new H1B employment”, does that include intra-U.S. transfers from one H-1B employer to another?

We sincerely appreciate the prompt input and guidance from the Departments of Homeland Security and Labor on the questions outlined above. We would also welcome the opportunity to meet and discuss the workforce needs of U.S. employers, as well as to collaborate with the Departments to ensure full compliance with the President’s Proclamation.

Sincerely,



Gregory Hoff
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Director, Labor & Employment Law and Policy
HR Policy Association



Chatrane Birbal
Vice President
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HR Policy Association

Cc:

Hailey Borden, Special Assistant to the President, Director of Business Outreach, Office of Public Liaison
Quann Cuevas, Director, Office of Partnership and Engagement, DHS
The Honorable Keith E. Sonderling, Deputy Secretary of Labor, DOL