

## SUMMARY

# Changes to the H1-B Visa

## THE CHALLENGE

As part of its efforts to reduce immigration to the United States, the current federal administration is changing rules governing employment-based visas, including the H-1B visa. H-1B visas are the primary pathway for highly skilled professionals from outside the United States to work long term in the U.S. The initial period of stay for H-1B visa holders is three years, with extension available for up to another three years.

Enabling U.S. companies to hire foreign workers is fundamental to sustaining innovation and economic growth, particularly in key technical fields currently powering America's economic engine. International students make up for a majority of full-time graduate students in computer and information sciences as well as electrical and computer engineering at U.S. universities, underscoring the importance of access to global talent. H-1B visas play a critical role in addressing skills gaps across technology, finance, and healthcare with companies such as Amazon, Meta, Microsoft, and Google leading H-1B approvals in 2025.

## CHANGES TO THE H-1B VISA

While the annual limit allowed for all H-1B visas issued by the federal government remains unchanged at 85,000 with 20,000 of these reserved for individuals who hold a master's degree or higher awarded by a U.S. university, several changes to the award process impact costs, eligibility, and likelihood of selection:

- Companies selected for award of an H-1B visa are now required to pay a \$100,000 fee upon entry of new H-1B visa holders to the United States. Currently, individuals already in the U.S. that are awarded an H-1B visa are exempt from the fee.
- In December 2025, regulations governing the H-1B visa selection process were changed to prioritize the allocation of visas to higher-skilled and higher-paid individuals.

- Social media vetting is now required at H1-B visa stamping. All H-1B visa holders and their spouses applying for H-4 visa status are subject to mandatory social media vetting. Any social media activity deemed “anti-American” can be grounds for revoking a visa.
- Additional screening and vetting protocols are being established that impact the timeline for H1-B visa holders to receive final approval to enter the U.S.
- Dependent spouses of H1-B visa holders are eligible for an H-4 Employment Authorization Document (EAD) program that provides a right to work in the United States. In 2025, the authorization was reduced from five years to 18 months and automatic extension for filing a renewal request prior to expiration of the holder’s current EAD was cancelled. It is expected that the H-4 program may be cancelled completely in 2026.

## **OUTCOMES**

More changes are expected in the coming year that would further restrict H1-B visas and increase costs to companies participating in the program. Changes that make it more difficult for individuals awarded an H1-B visa to enter the country or for their spouses to work in the U.S. will likely reduce interest from highly skilled professionals.

Multiple lawsuits have been filed against the federal government in opposition to these changes that are still working their way through the courts. Companies that rely on global talent will benefit from closely tracking changes to the visa application and award process as well as the outcomes of legal challenges to rule changes.

## **CASE STUDY SOURCE**

[Forbes](#)

[The Employer Report](#)

## **ADDITIONAL INFORMATION**

[The National Foundation for American Policy](#)

