

Global Immigration alert

June 2026

United States

Stay granted in federal court case vacating \$100,000 H-1B payment

Executive summary

On 8 June 2026, US District Court Judge Leo Sorokin issued a decision vacating the requirement that employers submit a \$100,000 payment when filing a new H-1B petition. The court ruled that the policy, introduced through a presidential proclamation in September 2025, effectively imposed an unlawful tax without proper congressional authority.

On 12 June, the government requested a temporary stay that would permit US Citizenship and Immigration Services (USCIS) to continue requiring the payment during the appeals process. Judge Sorokin granted an administrative stay that same day.

As a result, USCIS may lawfully require the \$100,000 payment. Whether the administrative stay will remain in effect is contingent upon the government filing a motion to stay pending appeal with the First Circuit Court of Appeals by 18 June 2026.

Background and Analysis

Subsequent to the 8 June decision, USCIS had updated its website to reflect that although it disagreed with that decision, the agency would comply with the court's order. Since Judge Sorokin granted the government's request for an administrative stay, USCIS has updated its website again to reflect that it continues to require the \$100,000 payment, or proof that an exception has been granted, as a prerequisite for adjudicating new H-1B petitions.

What this means

In light of the administrative stay, employers are currently required to pay the \$100,000 as outlined on USCIS's website. If the government meets the 18 June deadline to file a motion to stay pending appeal with the First Circuit Court of Appeals, then this administrative stay will remain in effect until that court grants or dismisses that motion.

The original proclamation that established the \$100,000 H-1B policy expires 21 September 2026, unless extended by the president.

Developments remain fluid. It will be critical to continue to monitor developments and consult with your EY Law LLP professional or Mehlman Jacobs LLP professional.

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