PRESIDENT TRUMP ISSUES PROCLAMATION RESTRICTING ENTRY OF CERTAIN H-1B WORKERS AND AN EXECUTIVE ORDER CREATING THE GOLD CARD PROGRAM

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US Immigration Alert

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On Friday, 19 September 2025, President Trump issued a Proclamation restricting the entry of new H-1B nonimmigrant workers to the United States, except for those aliens (1) whose petitions are accompanied or supplemented by a payment of a US$100,000 fee or (2) who qualify for a national interest exception. The Proclamation takes effect 21 September 2025 at 12:01 AM EDT and will remain in force for 12 months, expiring on 21 September 2026, unless extended or terminated earlier.

It is important to note that the Proclamation does not impact workers already inside the US in lawful H-1B status or with a pending H-1B petition. Instead, it blocks the admission of new H-1B applicants, or persons who have not previously held H-1B status and are seeking entry into the US. However, the Proclamation allows for case-by-case entry on exception where entry is deemed "in the national interest and does not pose a threat to the security or welfare of the United States." We expect the Department of Homeland Security to publish guidance on obtaining this exception in the coming days. We have prepared this FAQ handout for managers and HR teams as a practical resource on this Proclamation.

On this same day, the President also signed an Executive Order creating the "Gold Card" program, to facilitate the entry of individuals to the US who have voluntarily provided a significant financial gift to the nation. Pursuant to the Executive Order, the required gift amount for an individual donating on his or her own behalf is US$1 million while a corporation or similar entity donating on behalf of an individual must donate US$2 million. When reviewing visa applications that are accompanied by a gift under the Gold Card program, the Secretary of State and the Secretary of Homeland Security will treat the donation as evidence of exceptional business ability and national benefit[1] and of eligibility for a national-interest waiver.[2] The Executive Order calls for the Secretary of Commerce, the Secretary of State, and the Secretary of Homeland Security to issue regulations to implement this Gold Card program within 90 days.

A full text of the Proclamation and Order on this alert can be found here and here.

As this is a rapidly evolving legal landscape, employers should monitor additional developments over the coming days and weeks. As always, our Immigration practice group can assist with any questions or concerns related to these developments as well as other immigration issues.

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FOOTNOTES

[1] 8 U.S.C. 1153(b)(2)(A),

[2] 8 U.S.C. 1153(b)(2)(B).

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