



# Federal Court Vacates \$100,000 H-1B Fee; Implications for Higher Education Remain Uncertain

## Blogs

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By: Eric I. Yun

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On June 8, 2026, a federal district court in Massachusetts issued an opinion and order vacating U.S. Citizenship and Immigration Services (USCIS) policies implementing President Donald Trump's September 19, 2025 Presidential Proclamation. The Proclamation required payment of a \$100,000 fee for certain H-1B visa applications (See [New H-1B Application Fee Requirement Announced](#)). USCIS subsequently issued policies describing when the fee would apply and how it would be collected.

Granting the motion for summary judgment of the plaintiffs, a coalition that included twenty States (among them Massachusetts, California, Delaware, New Jersey, and New York), the court held that the \$100,000 fee was an unconstitutional exercise by the Executive Branch of Congress's taxation power. The States argued, in part, that the fee would negatively affect their ability to staff public colleges and universities, impede critical academic research, and contribute to a decline in H-1B medical workers.

The court also rejected the government's contention that public universities were precluded from benefitting from the ruling based on a separate 2025 lawsuit in the District of Columbia, concluding that the universities were not bound by that prior case.

The decision takes immediate effect and broadly invalidates all policies implementing the \$100,000 fee, not only as to the named plaintiffs. An appeal by the government is highly likely. Institutions that rely on H-1B workers, including faculty members, researchers, physicians, and other specialized personnel, should continue to monitor developments closely. While the decision provides immediate relief, the long-term impact on H-1B sponsorship remains uncertain pending further judicial review.

## Related People



Eric I. Yun

Partner

✉ [eyun@archerlaw.com](mailto:eyun@archerlaw.com)

☎ 215.246.3137

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