



Josh Kaul
Wisconsin Attorney General

P.O. Box 7857
Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

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AG Kaul and Coalition Sue Trump Administration Over Unlawful New \$100K Fee for H-1B Visa

MADISON, Wis. – Attorney General Josh Kaul last week joined a coalition of 19 other states in [suing](#) the Trump Administration over its unlawful policy imposing a \$100,000 fee on new H-1B visa petitions that could undermine research, innovation, and healthcare in Wisconsin.

“The H-1B program has bolstered education, health care, and research in Wisconsin,” said AG Kaul. “This unlawful and exorbitant fee would drastically undermine this program and set us back.”

In Wisconsin, the \$100,000 H-1B fee would affect public higher education, healthcare, and other sectors facing workforce shortages. For example, the University of Wisconsin-Madison received approval for 232 H-1B visas in fiscal year 2025 for positions in teaching, research, and medical training. These positions support core academic programs, scientific research, and healthcare education that benefit Wisconsinites. Imposing a \$100,000 fee on many new H-1B petitions could make it harder for UW-Madison to recruit qualified professionals in specialized fields and could threaten Wisconsin’s ability to remain competitive in research, innovation, and workforce development. The new fee would also harm Wisconsin’s ability to fill needed positions in the K-12 education, nursing, and other health care fields.

In the lawsuit, the coalition alleges that the policy, which has been implemented by the Department of Homeland Security (DHS), is a clear violation of the law because it imposes a fee that is outside the bounds of what is authorized by Congress,

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bypasses required rulemaking procedures, and exceeds the authority granted to the executive branch under the Administrative Procedure Act (APA).

On September 19, 2025, President Trump issued a proclamation ordering a \$100,000 fee for new H-1B visa petitions. As implemented by DHS, the policy affects any application filed after September 21, 2025, and grants the Secretary of Homeland Security broad discretion to determine which petitions are subject to the fee or are eligible for an exemption.

The \$100,000 visa fee threatens the quality of education, healthcare, and research for all states. For example, the United States faces a nationwide teacher shortage and in the 2024-2025 school year, 74% of school districts in the U.S. reported having trouble filling open positions, particularly in special education, physical sciences, ESL or bilingual education, and foreign languages. Educators are the third-largest occupation for H-1B visa holders, with nearly 30,000 educators on the visas.

Hospitals and other healthcare centers also rely on the H-1B visa program to hire physicians, surgeons and nurses, often in rural, low-income or working-class areas. Nearly 17,000 H-1B visas went to workers in medicine and health occupations in the 2024 fiscal year, and half of those were physicians and surgeons. Without foreign-trained physicians, the United States is projecting a shortfall of 86,000 physicians by 2036.

In Friday's lawsuit, the coalition alleges that the Trump Administration's H-1B visa fee violates the APA and the U.S. Constitution. Typically, an employer filing an initial H-1B petition would expect to pay between \$960 to \$7,595 in regulatory and statutory fees. The \$100,000 fee far exceeds the actual cost of processing H-1B visa petitions.

Joining AG Kaul in filing the lawsuit are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, North Carolina, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington.