PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

Submitted via www.regulations.gov

Office of the Chief Financial Officer
US Citizenship and Immigration Services
US Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: DHS Docket No. USCIS-2026-0298, Comments in Response to Fee for Certain H-1B Petitions

Dear Chief Financial Officer:

On behalf of the Presidents' Alliance on Higher Education and Immigration ("Presidents' Alliance"), I submit this comment letter in response to the Department of Homeland Security's (Department) proposed rule, *Fee for Certain H-1B Petitions*, (DHS Docket No. USCIS-2026-0298), published August 25, 2026, that would impose an additional $103,265 fee on every cap-subject H-1B petition.

The Presidents' Alliance is a nonpartisan, nonprofit education and advocacy organization that brings college and university presidents and chancellors and their institutions together on the immigration issues that impact higher education, our students, campuses, communities and nation. We work to support immigrant, international and refugee students and advance forward-looking immigration policies and practices at the federal level, in our states, and across our college campuses. The Alliance is composed of close to 600 public and private colleges and universities, enrolling over five million students in 42 states, D.C., and Puerto Rico.

A core part of our work is supporting the ability of U.S. colleges and universities to attract and retain international students, scholars, and highly skilled professionals. Our member institutions sponsor H-1B visas for a wide range of positions that are critical to their missions, including faculty, researchers, instructors, librarians, healthcare professionals, and specialized information technology roles. These individuals enhance the educational experience for American students and contribute directly to research, innovation, and workforce development.

Our member institutions also enroll more than half of all international students on F-1 visas in the United States. For international students considering where to study, the opportunity to participate in Optional Practical Training (OPT) after graduating from a U.S. college or university and potentially transition to H-1B status are crucial factors in choosing a U.S. higher education institution.

Although the proposed $103,265 fee would not apply when our member institutions file qualifying cap-exempt H-1B petitions, the rule would nevertheless have a tremendous impact on their students, graduates, international enrollment, and broader missions. If international students believe that earning a U.S. degree is unlikely to lead to a meaningful opportunity to work in the United States after graduation, many will likely choose to study in countries with more accessible and predictable post-graduation pathways, as evidenced by surveys of both prospective and current international students.[1]

The proposed rule would make U.S. colleges and universities less competitive globally, weaken the U.S. talent pipeline, and ultimately harm the nation's economy, research enterprise, and capacity for innovation. The U.S. Chamber of Commerce has conducted decades of research documenting that high-skill immigration like H-1B raises output and local wages without reducing domestic employment, something this proposed regulation will effectively eliminate.[2]

The George Mason University Mercatus Center has documented that in cities where companies experience more H-1B visa denials, "jobs for Americans workers in computer-related industries decreases. In other words, more American jobs are lost when companies' ability to hire foreign workers is restricted. By contrast, in the cities that receive more H-1B visa acceptances, more American jobs are created in computer-related industries, and wages for college-educated Americans grow."[3]

Finally, without access to high-skilled talent, U.S. companies will be more likely to pursue outsourcing due to a lack of skilled labor, which further harms the U.S. economy. Ultimately, the $103,265 fee would make cap-subject employers significantly less likely to sponsor recent international graduates transitioning from OPT to H-1B status, particularly early-career professionals for whom employers may be unwilling or unable to pay such a substantial fee.

It is difficult to fully assess and comment on this proposed rule without knowing how it may interact with other anticipated rulemakings. A broader H-1B proposed rule currently under review by the Office of Information and Regulatory Affairs may revise eligibility for cap exemptions, while a separate OPT fee rule has cleared OIRA review but has not yet been published. Without the text of these related proposals, the public cannot meaningfully evaluate their combined and cumulative effects on international students, recent graduates, employers, higher education institutions, and ultimately, the U.S. economy.

These concerns are increased by the short comment period as evidenced in a court ruling regarding another rule. In a court's ruling in the litigation challenging the public rule that would end duration of status, Judge Saylor stressed the "exceptionally short, and barely legal, 32-day

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[1] *Institute for Progress & NAFSA: Association of International Educators, Surveys on International Talent Pipelines* (Sept. 15, 2025), https://ifp.org/wp-content/uploads/2025-Surveys-on-International-Talent-Pipelines-1.pdf
[2] U.S. Chamber of Commerce, *H-1B Visas: What You Need to Know* (Oct. 16, 2025), https://www.uschamber.com/workforce/h-1b-visas-what-you-need-to-know.
[3] Liya Palagashvili & Patrick O'Connor, *Unintended Consequences of Restrictions on H-1B Visas*, Mercatus Center (Jan. 28, 2021), https://www.mercatus.org/research/policy-briefs/unintended-consequences-restrictions-h-1b-visas

period for public comments"[4] for a proposed rule with such massive anticipated impact - a concern that applies also in this case. The H-1B fee proposed rule could have a far-reaching impact at a time when the international students' interest in choosing the United States is already declining. Department of State data show that F-1 student admissions have dropped sharply from the prior year by 33.4 percent.[5] The public should be given sufficient time to assess how these proposals would operate together and their cumulative consequences for the nation's economy, research enterprise, and capacity for innovation.

For these reasons, the Presidents' Alliance strongly opposes the proposed $103,265 fee and urges the Department to withdraw the proposed rule in its entirety.

As outlined below, the proposed changes would harm our higher education institutions, disrupt the U.S. talent pipeline, and negatively impact American students, workers, employers, as well as the broader economy, research and innovation:

1. The Proposed Rule Would Severely Disadvantage Recent International Graduates

International students and scholars are an integral part of the U.S. talent pipeline and play a vital role in sustaining the nation's economic growth, research enterprise, and global competitiveness. Each year, U.S. employers seek to retain tens of thousands of international graduates of U.S. colleges and universities by supporting their transition from F-1 student status into H-1B employment to join the workforce in research labs, startups, and innovation-driven industries. In the 2024–2025 academic year, more than 294,000 international students participated in OPT,[6] contributing to employers and local economies nationwide. Many of these individuals seek to continue working in the United States through the H-1B program, making this transition essential to maintaining a strong and competitive workforce.

The opportunity to participate in OPT following graduation and to transition to longer-term employment through the H-1B program is a key factor in international students' decisions to pursue higher education in the United States. A 2025 survey conducted by NAFSA and the Institute for Progress found that 54 percent of current international students would not have chosen the US if there was no OPT option.[7] The proposed fee would reduce opportunities for recent graduates and early-career yet highly trained professionals to transition from OPT to H-1B status, one of the most critical junctures in the talent pipeline. With more than 57 percent of international students

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[4] *Presidents' Alliance on Higher Education & Immigration v. U.S. Department of Homeland Security*, No. 1:26-cv-13799-FDS, slip op. at 6 (D. Mass. Sept. 14, 2026) (memorandum and order on motion for preliminary injunction), https://www.presidentsalliance.org/wp-content/uploads/2026/09/9.14.26-opinion-in-DS-case.pdf.

[5] Johanna Alonso, *New Student Visas Dropped 23% in 2025*, Inside Higher Ed (Aug. 26, 2026), https://www.insidehighered.com/news/global/international-students-us/2026/08/26/new-student-visas-dropped-23-2025.

[6] Institute of International Education. "Open Doors 2025 Report Reveals Decline in New International Student Enrollment in the United States." *Institute of International Education*, Nov. 17, 2025, https://www.iie.org/news/open-doors-2025-press-release/#:~:text=The%20number%20of%20graduate%20students,graduate%20students%20fell%20by%2015%25.Accessed Septebmer 17, 2026.

[7] *Institute for Progress & NAFSA: Association of International Educators, Surveys on International Talent Pipelines* (Sept. 15, 2025), https://ifp.org/wp-content/uploads/2025-Surveys-on-International-Talent-Pipelines-1.pdf

pursuing STEM degrees at all educational levels, the negative impact on this talent pipeline is hard to predict.[8]

Together, the OPT and H-1B pathways form a critical bridge between U.S. higher education and the U.S. workforce, allowing employers to retain highly trained talent educated in the United States. However, employers may be unwilling or unable to pay an additional $103,265 to sponsor an early-career worker, even when that graduate has been educated in the United States and has already contributed to the employer through OPT.

A 2026 Institute for Progress survey examining a hypothetical $100,000 charge on initial H-1B petitions showed that 15 of 16 responding employers and universities expected to reduce their H-1B filings. Among respondents providing numerical estimates, the median expected reduction was 92.5 percent. Twelve of the 16 respondents also expected many impacted positions to remain unfilled in the United States.[9] Although the survey examined a broader hypothetical charge that also included cap-exempt petitions, its findings demonstrate the significant effect a six-figure fee would have on employers' willingness and ability to sponsor highly skilled workers.

Additionally, the impact of the proposed fee cannot be considered in isolation. It would compound the effects of other recent and proposed H-1B changes, including the newly implemented weighted lottery process, the proposed Department of Labor increases to prevailing wage levels beyond industry norms, and the expected H-1B Reform proposed rule.[10]

Taken together, these policies would severely disadvantage recent graduates whose employers or prospective employers are seeking to sponsor them for H-1B status, and ultimately harm the economy when employers are simply unable to recruit the highly skilled talent that they need.

2. The Proposed Rule Would Disrupt the U.S. Talent Pipeline and Deter International Students

When employers are unable or unwilling to sponsor recent international graduates, the United States risks losing highly skilled individuals whom its colleges and universities have already educated and trained. In fiscal year 2024, 54 percent of approved H-1B petitions for initial employment were for individuals already in the United States, and nearly three-quarters of those individuals had previously held student status at U.S. colleges and universities.[11]

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[8] Institute of International Education, *United States Hosts 1.2 Million International Students at Colleges and Universities, Totaling 6% of U.S. Higher Education* (Nov. 17, 2025), https://www.iie.org/news/open-doors-2025-press-release/.

[9] *Institute for Progress, Survey of Companies and Universities on $100K Duty* (Aug. 7, 2026), https://ifp.org/wp-content/uploads/July-2026-H1B-Duty-Survey.pdf

[10] *Office of Information & Regulatory Affairs, Reforming the H-1B Nonimmigrant Visa Classification Program*, RIN 1615-AD00, Unified Agenda of Regulatory and Deregulatory Actions, https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=1615-AD00 (last visited Sept. 23, 2026).

[11] Andrew Moriarty, *The H-1B Tax Would Price America Out of the Global Race for Talent*, FWD.us (Sept. 2, 2026), https://www.fwd.us/news/h1b-fee/

Additionally, as stated above, international students consider post-graduation opportunities a central factor when choosing where to study. By making it significantly more difficult for recent international graduates to transition from OPT to H-1B status, the proposed rule would discourage talented students from enrolling at U.S. institutions or remaining in the United States after graduation. This deterrent effect is particularly concerning in the context of existing enrollment challenges and increasing global competition for talent. Countries around the world are investing in international education and creating policies designed to attract students, researchers, and highly skilled graduates. Germany currently hosts approximately 420,000 international students, while France has set a goal of hosting 500,000 by 2027. New Zealand has announced a plan to increase international enrollment from 83,700 to 119,000 by 2034. Other destinations, including South Korea, Ireland, Japan, Malaysia, China, and the United Arab Emirates, are also expanding their international education and talent strategies.[12]

A decline in international enrollment would have significant consequences for American students, higher education institutions, and communities across the country. For every additional international undergraduate student enrolled at a public university, two more in-state first-year students enroll as well.[13] International students and scholars also contribute significantly to campus life, local economies, and the broader U.S. innovation ecosystem. In 2024–2025, international students contributed nearly $43 billion to the U.S. economy and supported close to 360,000 jobs.[14]

These economic contributions are felt not only nationally but also locally. International students' tuition payments support colleges and universities, while their spending on housing, food, transportation, tourism, and other goods and services supports local businesses and stimulates economic growth in rural and urban communities alike. For every three international students enrolled in the United States, one U.S. job is created.[15]

Moreover, research shows that a one-third decline in foreign graduates from U.S. universities would reduce the size of the U.S. economy by between $220 billion and $439 billion after ten years.[16] These estimates demonstrate that policies discouraging

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[12] Abhishek Nair, Beyond the big four: the study destinations to watch in 2026, The PIE News, January 7, 2026. https://thepienews.com/beyond-the-big-four-the-study-destinations-to-watch-in-2026/

[13] Zavodny, Madeline. "NFAP Policy Brief: The Importance of Immigrants and International Students to Higher Education in America." *National Foundation for American Policy*, May 21, 2025, https://nfap.com/research/new-nfap-policy-brief-the-importance-of-immigrants-and-international-students-to-higher-education-in-america. Accessed September 17, 2026.

[14] NAFSA: Association of International Educators. "NAFSA International Student Economic Value Tool." *NAFSA: Association of International Educators*, https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2#:~:text=NAFSA's%20latest%20analysis%20finds%20that,billion%20and%20nearly%2023%2C000%20jobs. Accessed September 17, 2026.

[15] NAFSA: Association of International Educators. "International Students Contribute Record-Breaking Level of Spending and 378,000 Jobs." *NAFSA: Association of International Educators*, Nov. 18, 2024, https://www.nafsa.org/about/about-nafsa/international-students-contribute-record-breaking-level-spending-and-378000-jobs. Accessed September 17, 2026.

[16] Michael A. Clemens, Jeremy Neufeld & Amy M. Nice, *Brain Freeze: How International Student Exclusion Will Shape the STEM Workforce and Economic Growth in the United States* (working paper commissioned for the "Reimagining STEMM Graduate Education and Postdoctoral Career Development" Summit, Oct. 2025), https://nap.nationalacademies.org/resource/29283/BrainFreeze_Working_Paper_Clemens-Neufeld-Nice.pdf.

international students from studying and remaining in the United States would impose substantial costs on American workers, families, and communities.

The proposed rule comes at a time when the labor market for highly educated professionals remains tight. According to the U.S. Bureau of Labor Statistics, 2025 unemployment rates were 1.8 percent for individuals with doctoral degrees, 1.9 percent for those with professional degrees, 2.6 percent for those with master's degrees, and 2.8 percent for those with bachelor's degrees.[17] These figures reinforce the importance of retaining highly educated workers who can help meet U.S. workforce needs.

Taken together, the proposed rule would weaken a proven education-to-workforce pipeline at precisely the time when the United States should be retaining highly educated graduates to meet workforce needs, strengthen local economies, and sustain its global competitiveness. The H-1B program is the principal pathway through which international graduates of U.S. colleges and universities can continue to contribute to the U.S. economy after completing OPT.

A fee that sharply reduces access to H-1B sponsorship would disrupt the key connection between U.S. higher education and the long-term retention of highly skilled graduates. As a result, the rule would deter talented international students and scholars from enrolling at U.S. institutions or remaining in the United States, resulting in lost tuition revenue, weakened academic programs and diminished research and innovation capacity. These consequences would harm American students and the broader U.S. economy while undermining the nation's ability to attract and retain the world's best talent.

3. The Proposed Rule Would Harm Research, Innovation, and U.S. Technological Leadership

International students and scholars play a vital role in sustaining our nation's leading position in global research, technology, and innovation. International students represent more than 60 percent of new graduate students in mathematics and computer science, and approximately half of graduate engineering students.[18] They also help sustain enrollments in key disciplines,[19] expanding educational opportunities for American students and supporting programs that might otherwise struggle to maintain enrollment.

After graduation, international students account for a substantial part of the advanced STEM talent pipeline. Policies that make it more difficult for them to remain in the United States would reduce the highly skilled workforce available to research institutions, laboratories, startups, and technology companies, diverting these individuals to countries with more accessible employment and immigration pathways.

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[17] U.S. Bureau of Labor Statistics, Education pays, Table 5.1. https://www.bls.gov/emp/tables/unemployment-earnings-education.htm

[18] ETS, More International Students Enrolled in U.S. Grad STEM Programs. https://www.ets.org/grad-school-journey/international-students-stem-programs.html

[19] Kevin Shih, *Do International Students Crowd-Out or Cross-Subsidize Americans in Higher Education?*, 156 *Journal of Public Economics* 170, 170–184 (2017), https://doi.org/10.1016/j.jpubeco.2017.10.003

These include places such as Canada,[20] the United Kingdom,[21] and China[22] that are implementing targeted policies to retain researchers, entrepreneurs, and workers in artificial intelligence and other critical fields.

Overall, international talent is central to U.S. leadership in artificial intelligence and other emerging technologies. Institute for Progress research reports that two-thirds of leading U.S. AI startups have an immigrant founder and that an estimated 72 percent of those immigrant founders first came to the United States on student visas. It also notes that most Ph.D.-level AI talent in the United States is foreign-born.[23]

Making it more difficult for international graduates to transition into the U.S. workforce, particularly when the U.S. is racing to be a global AI-leader, would reduce research capacity, diminish innovation, and weaken the United States' ability to compete for highly skilled talent. These outcomes would harm technological leadership, economic growth, and national security.

4. The Pending General H-1B Proposed Rule Prevents Meaningful Review

The proposed H-1B fee rule cannot be meaningfully evaluated in isolation from several other pending rules that may change both the population subject to the fee and the broader employment pathways available to international students and graduates. A separate proposed rule, *Reforming the H-1B Nonimmigrant Visa Classification Program*, may revise eligibility for H-1B cap exemptions.[24] Because the proposed H-1B fee rule does not apply to cap-exempt petitions, any changes to the definition or scope of cap exemptions could significantly change which institutions and employers would ultimately be subject to the fee.

In addition, a separate OPT fee rule[25] has completed OIRA review but has not yet been published. Although the rule is expected to impose a new fee related to the OPT program, the public does not yet know the amount of the fee, who would be responsible for paying it, or how it would interact with the proposed H-1B fee. Without the text of either the general H-1B proposal or the OPT fee proposal, the public cannot fully evaluate who

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[20] Immigration, Refugees and Citizenship Canada, *CIMM—Talent Attraction—March 23, 2026*, Government of Canada (updated Sept. 4, 2026), https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-mar-23-2026/talent-attraction.html

[21] U.K. Department for Science, Innovation & Technology, *AI Opportunities Action Plan: Government Response* (Jan. 13, 2025), https://www.gov.uk/government/publications/ai-opportunities-action-plan-government-response/ai-opportunities-action-plan-government-response

[22] Xinhua, *China to Launch New Type of Visa for Young Science, Technology Professionals*, State Council of the People's Republic of China (Aug. 14, 2025), https://english.www.gov.cn/policies/latestreleases/202508/14/content_WS689dd0d3c6d0868f4e8f4d1e.html

[23] Matthias Oschinski et al., Strengthening America's AI Workforce, Institute for Progress, March 19, 2025. https://ifp.org/strengthening-americas-ai-workforce/

[24] Office of Information & Regulatory Affairs, *Reforming the H-1B Nonimmigrant Visa Classification Program*, RIN 1615-AD00, Unified Agenda of Regulatory and Deregulatory Actions, https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=1615-AD00 (last visited Sept. 23, 2026).

[25] Office of Information & Regulatory Affairs, *OIRA Conclusion of Executive Order 12866 Regulatory Review: Optional Practical Training Fees*, RIN 1653-AB01 (Sept. 11, 2026), https://www.reginfo.gov/public/do/eoDetails?rrid=1506461

would be impacted, the proposals' combined financial impact, or their broader consequences for international students, graduates, employers, and higher education institutions.

This uncertainty is further intensified by the Department of Labor's proposed prevailing wage rule and its pending proposal to modernize the labor market test and worker protections under the PERM program.[26] DHS should provide the public with sufficient time to review these proposals and consider their combined and cumulative effects. These rules should not be evaluated in isolation, particularly at a time of limited U.S. population growth, low unemployment among highly educated workers, and significant reliance on international students in advanced STEM programs.

Conclusion and Recommendations

The proposed rule would have far-reaching harmful consequences for U.S. higher education institutions and the U.S. talent pipeline, as well as American workers, employers, and the broader economy. By creating an additional, extraordinary new barrier to H-1B sponsorship, the rule would constrain opportunities for recent international graduates, disrupt the OPT-to-H-1B pathway, and weaken the United States' ability to attract and retain the world's most talented students and professionals.

Limiting access to international talent would reduce research capacity, diminish innovation, weaken educational outcomes for American students, and reduce economic activity and job creation. At a time of increasing global competition for talent, the proposed rule risks long-term losses in economic competitiveness, technological leadership, and national security.

DHS should extend the comment period to at least 60 days and provide an additional opportunity for public comment after the related H-1B and OPT proposals are published. Without access to those proposals, stakeholders cannot meaningfully evaluate the cumulative impact of the administration's interconnected regulatory actions.

Finally, the Presidents' Alliance urges the Department of Homeland Security to withdraw the proposed rule in its entirety.

Sincerely,



Miriam Feldblum
President and CEO
Presidents' Alliance on Higher Education and Immigration

[26] Office of Information & Regulatory Affairs, *Modernizing the Labor Market Test and Improving Protections for U.S. Workers in the PERM Immigrant Visa Program*, RIN 1205-AC29, Unified Agenda of Regulatory and Deregulatory Actions, https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202510&RIN=1205-AC29 (last visited Sept. 23, 2026).