



Washington Update

Tuesday, September 23, 2025 | 12:00 p.m. ET

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Agenda

1. First Trump administration's actions on H-1B
2. Second Trump administration's H-1B considerations
3. President's proclamation and guidance
4. CUPA-HR data on H-1B visas in higher ed



First Trump administration's H-1B Actions

1. Executive Order 13788 (“Buy American and Hire American”) – Apr. 18, 2017
 - a) Set the tone for stricter adjudications.
2. Restrictive Adjudication Practices (2017–2020)
 - a) Deference policy rescinded (Oct. 2017)
 - b) Increased Requests for Evidence (RFEs)

First Trump administration's H-1B Actions

1. Presidential Proclamations 10014 & 10052 – Apr./Jun. 2020
 - a) Suspended immigrant entries and H-1B/L-1/J-1 visas.
 - b) Litigation limited impact for some employers; State Dept. exceptions covered healthcare, national security, and higher ed/research.
2. Regulatory Push – Late 2020 / Jan. 2021
 - a) DHS Interim Final Rule – Narrowed “specialty occupation” (blocked Dec. 2020).
 - b) DOL Wage Rule – Inflated prevailing wages (blocked Dec. 2020).
 - c) H-1B Cap Selection Rule (Jan. 2021) – Shift to wage-based lottery; finalized but never implemented.

Second administration's H-1B considerations

1. Spring Regulatory Agenda included 2 H-1B items
 - a) Reforming the H-1B Nonimmigrant Visa Classification Program
 - b) Weighted Selection Process for H-1B Petitions
 - a) Published Today
2. Colleges for the American People (CAP) Act introduced
 - a) Seeks to eliminate university exemption for H-1B visa cap

President's proclamation and guidance

1. Proclamation issued on Friday, September 19
 - a) Requires employers to pay a \$100,000 fee per petition in order to bring new H-1B workers into the United States
 - b) Took effect September 21 at 12:01 am EDT
 - c) Remains in effect for 12 months

President's proclamation and guidance

1. Invokes sections of the Immigration and Nationality Act — INA §§ 212(f) and 215(a) — that allow president to suspend the entry of noncitizens or impose conditions on their admission when their entry is deemed detrimental to U.S. interests
2. Specifically directs DHS to restrict petitions not accompanied by the \$100,000 payment and State to only approve filings for which employers have made the payment

President's proclamation and guidance

1. USCIS guidance issued September 20
 - a) Clarifies that the proclamation only applies prospectively to petitions not yet filed
 - b) The proclamation does not apply to beneficiaries of petitions filed before September 21; beneficiaries of currently approved petitions; and or those who already hold a validly issued H-1B visa
2. CBP guidance issued the same day covering mostly the same information
3. USCIS and CBP guidance confirm that current H-1B visa holders may continue to travel to and from the United States

President's proclamation and guidance

1. White House FAQs released September 21
 - a) Mostly clarifies information and guidance from proclamation, USCIS and CBP
 - b) Clarifies that the proclamation doesn't change payments and fees associated with H-1B visa renewals

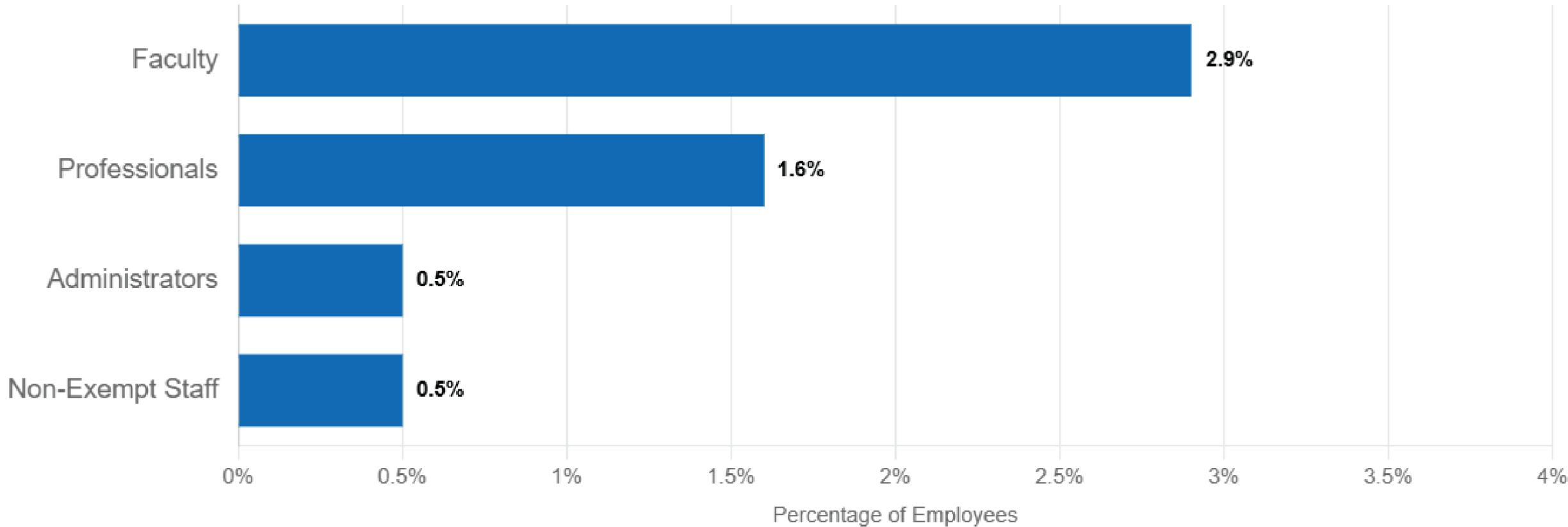
President's proclamation and guidance

1. Authorizes DHS to exempt individual workers, all workers at a company, or all workers in an industry if the secretary determines that their hiring “is in the national interest and does not pose a threat to the security or welfare of the United States”
2. Process/criteria: Not yet announced.

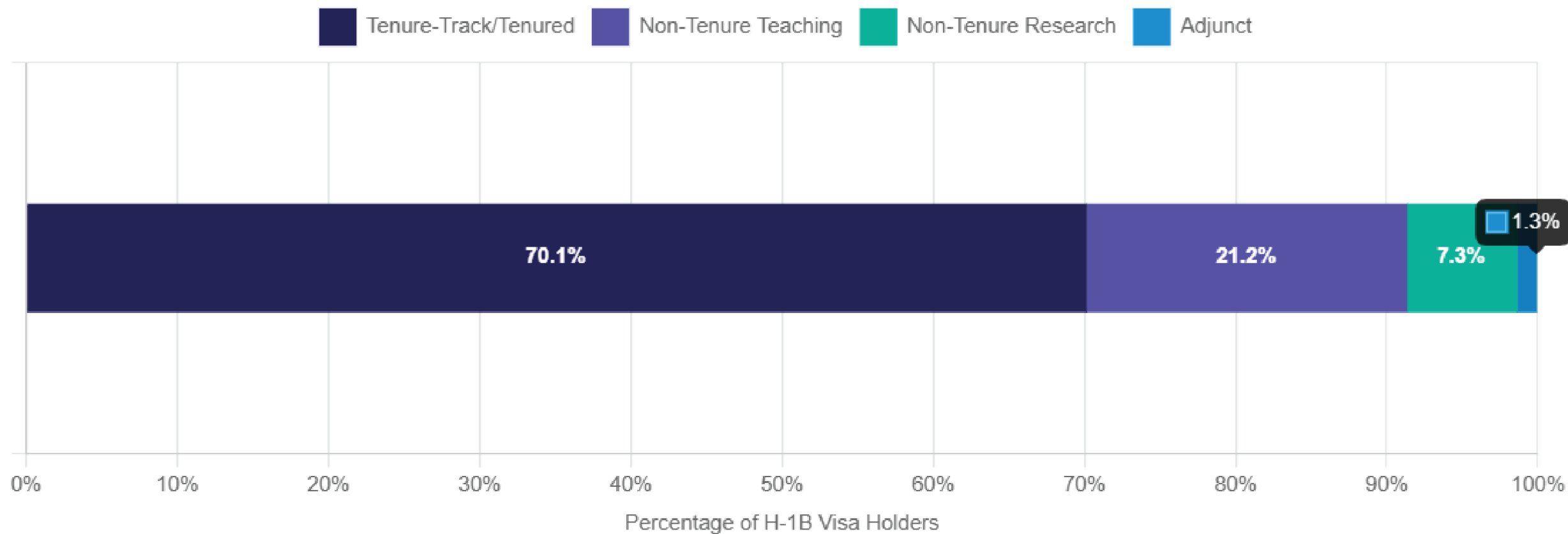
President's proclamation and guidance

1. Directs DOL to initiate rulemaking on prevailing wage levels for H-1B to revise levels consistent with the proclamation
 - a) Same day announcement of Project Firewall at DOL
2. Directs DHS to initiate rulemaking to prioritize the admission of high-skilled, high-paid H-1B applicants in future lotteries
 - a) Published Today
3. DOL, DHS, and State are called to jointly recommend whether restrictions should be extended within 30 days of the next H-1B lottery

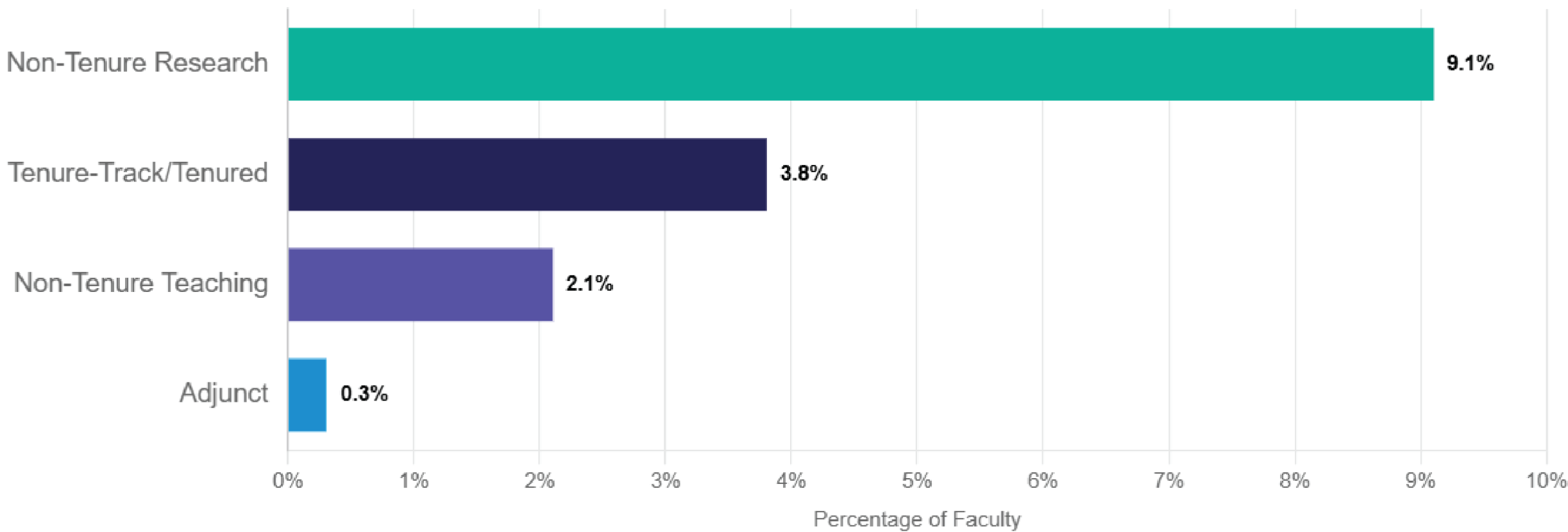
Percentage of H-1B Visa Holders in Each Area of the Higher Ed Workforce



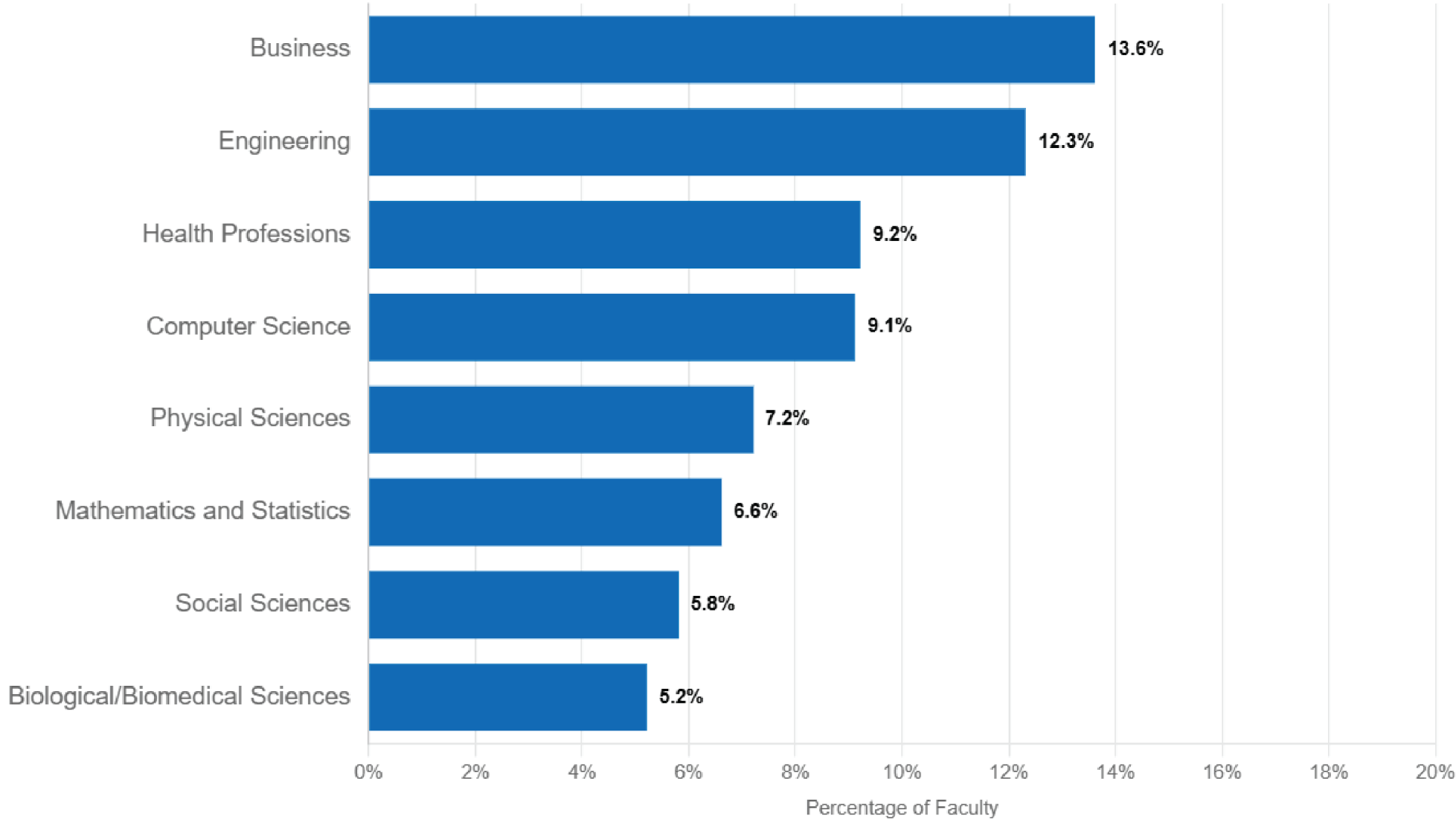
Percentage of H-1B Visa Holders by Faculty Type



Percentage of Each Faculty Type Made Up of H-1B Visa Holders

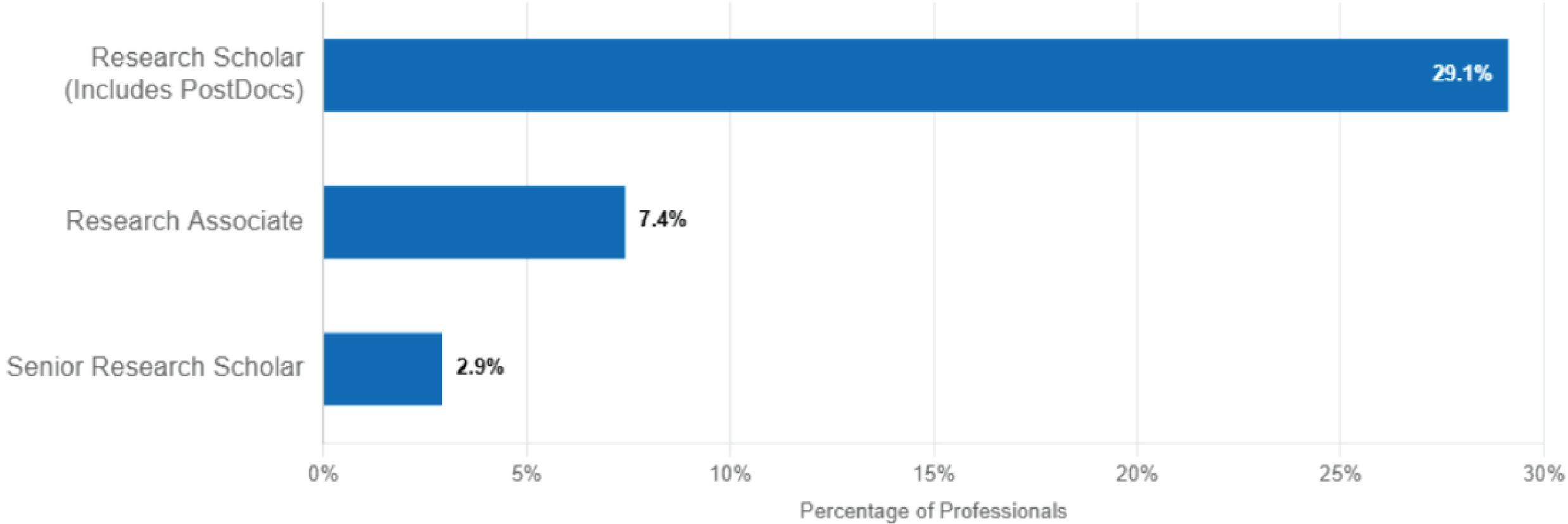


Disciplines With the Highest Percentage of H-1B Faculty



2024-25 Professionals in Higher Education Survey

Positions That Represent the Most H-1B Professionals



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