

OFF CAMPUS

The H-1B visa policy proclamation and what it means for international students

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The news of the changes in the H-1B Visa Policy has upended the lives of thousands of people worldwide. Among those most impacted are international students in the US, who have now been forced to reconsider just how realistic the American dream is.

To understand what the new visa policy entails, we must put into context the usual route that international students opt for. Most start off under the F-1 visa, which is the student visa. After graduation, a temporary work authorisation, called Optional Practical Training (OPT), is granted.

Students may receive up to 12 months of OPT employment authorisation, either before or after graduation. STEM degree holders, on the other hand, may apply for a 24-month extension after their post-completion OPT.

Afterwards, most students file for the H-1B visa – a non-immigrant visa which allows US employers to temporarily employ foreign workers in speciality occupations which require a bachelor's degree or higher. Without the H-1B visa, the majority of international students simply cannot work or remain in the US and must leave after their OPT ends.

In an executive order issued on September 19, the Trump administration introduced a new rule for the H-1B visa. Every new petition after September 21, 2025, must be accompanied by a one-time payment of USD 100,000 by the employer. This is a staggering increase from the previous fee, which typically ranged between USD 2,500 and USD 5,000 depending on the company size and processing type.

This will, in likelihood, mean that firms will severely decrease sponsorship offers for H-1B visa applicants. Some may even cancel sponsorships altogether, leaving international students with no other option than to leave the country.

Another concern that has emerged is whether this reform applies to the students who are already under OPT. The policy explicitly stated "entry into the United States", which should include those who are applying from outside the country. For international students who are already present in the country, it raises the question: does this include those applying for a change of status within the country?

The administration has provided some clarification on this, iterating that the proclamation does not apply to applicants who have previously been issued H-1B visas. Additionally, it does not change the amount to be charged for any H-1B renewals. Concerns, however, still remain, and the legal opinions are split.

Some, such as CDF Labour Law LLP, say that individuals under OPT will not be subject to this law as they are simply applying for a change of status. Others, such as The Chander Law Firm, warn that the fee may still apply, especially if the US Citizenship and Immigration Services (USCIS) interprets "entry" more broadly. Due to the uncertainties surrounding the policy, it is difficult to get an accurate prediction of what the future holds.

"The international community in my school is completely dumbfounded," shares Samiha*, a PhD student at UC Irvine. "The job market is already extremely competitive. This new policy simply adds another layer discouraging firms from hiring international students. Many of my friends are already gearing up for graduate school, because they know they won't get a job due to this new reform."

The uncertainty not only plagues the students but recruiters as well. Samiha alleges that it is due to this policy that she has been rejected by every company she has applied to.

Many students, like Adib Bin Kadir, a second-year student at the University of Texas Arlington, say that they plan to cut their losses if it comes down to it. "If this policy affects me in the future, I would simply return home or pursue my masters in another country. You either make the cut or you don't – there's no space in between," he explains.

Despite the inevitable shrinkage in the talent pool that will follow, recruiters may still not be able to offer jobs to international students.

Ayman Sameer, a freshman at Berkeley, shares his two cents regarding the significance of international students in the US. "Given the recent development, companies will be discouraged from sponsoring students even with job experience under their OPT," he says. "However, American firms will still require skills that their citizens simply do not currently possess. Their strength comes from the employees they hire on the H-1B visa."

Appearing on MSNBC, Justin Wolfers, a professor of Economics and Public Policy at the University of Michigan,

said that findings have shown that cutting back on H-1B visas had no effect on the employment rates of American citizens. He says that foreign employees instead help in raising the wages of college-educated Americans. Employers in the US themselves have come forward in stating that the qualifications needed for numerous roles are not met domestically.

Even higher education institutions depend on foreign talent for teaching and research positions. With the ongoing shortage of teachers, coupled with the new reform, not only are they turning away international students, but also stunting the growth of their own.

In Donald Trump's first term, the USCIS imposed policies that led to high H-1B denial rates. However, lawsuits and legal settlements resulted in the agency reversing such practices. Although Trump sought to push a final rule late into his first tenure, it was blocked by a judge who cited that it violated the Administrative Procedure Act. The history of the Trump administration in H-1B visa reform is, thus, far from positive. Taking his track record into consideration, as well as the economic implications of this reform, the future of the new H-1B visa remains uncertain for all.

The facts remain, though, that employability for international students has become harder than ever. Once deemed the land of dreams for many, it seems as though the situation has taken a turn for the worse, that too without any safety net. For the time being, however, the future of international students remains precarious.

*Name has been changed upon request.

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