October 24, 2025

Business and Foreign Workers Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: DHS Docket No. USCIS-2025-0040

To whom it may concern,

The American Council on Education (ACE) and the undersigned higher education associations submit these comments in response to Department of Homeland Security (DHS) Docket Number: USCIS-2025-0040 proposed rule titled "Weighted Selection Process for Registrants and Petitioners Seeking to File Cap-Subject H-1B Petitions." The proposed rule would change the current lottery process used to award H-1B visas and would prioritize the awarding of H-1Bs based on corresponding wage levels. This would have an enormous negative impact on our graduating international students, as it would dramatically reduce access to the H-1B visa program for early career professionals, including those who have completed master's or doctoral degrees at U.S. institutions of higher education. In addition, foreign-born doctors who have recently graduated and have entered their residency would likely have their have their access to an H-1B visa reduced under this proposed rule. This would discourage new international student enrollment at U.S. colleges and universities, as well as hiring in important areas of national need, which will have a direct impact on the entire U.S. economy.

America's colleges and universities are among the finest in the world. They help preserve our democratic values, ensure the country's economic strength, and contribute to our nation's influence and global standing. A central reason for the excellence of our postsecondary institutions is their ability to attract and enroll talented, motivated, and curious students, whether born in this country or abroad. This proposed rule will limit the ability of our institutions to recruit and retain these students, especially those that wish to remain in the United States.

In addition, this new rule will impact our ability to recruit international students. Recent surveys and data have pointed to a significant drop in international student enrollment for the 2025-2026 academic year. One survey conducted by NAFSA: Association of International Educators found a possible 30-40 percent drop in international enrollment across our U.S. institutions, which could have an over $7 billion impact on the U.S. economy.[1] Further, data suggests the opportunity to work in the United States following graduation is a key incentive for the world's best and brightest in choosing to study in the United States. To avoid further

[1] NASFA Fall 2025 International Student Enrollment Outlook and Economic Impact survey: https://www.nafsa.org/fall-2025-international-student-enrollment-outlook-and-economic-impact

exacerbating these trends, we ask the administration to withdraw this rule, as well as the proposed rule on Duration of Status,[2] as they send a negative message of uncertainty to prospective international students.

The proposed rule will also have an especially negative impact on our recent international graduates. The proposed rule will reduce hiring opportunities for early career, foreign-born professionals, including those with degrees from U.S. institutions of higher education, because of the proposed structure and reliance on wage levels. Under current law, Congress has set aside 20,000 of the existing cap-subject new H-1Bs specifically for those graduates, who will be harmed under this proposed rule. Since the H-1B category was created in 1990, Congress has limited the number of H-1Bs made available each year. The current annual statutory cap is 65,000 visas, with 20,000 additional visas for foreign professionals who graduate with a master's or doctorate degree from a U.S. institution of higher learning. In recent years, the limit has been reached only a few days after the petition submission period began, and demand continues to far exceed the numbers allocated by Congress. This change to the selection process for H-1B visas will upend the nature of how the visas are awarded, contravening how Congress structured the H-1B program.

We join with the comments submitted by members of the business community and agree that high-skilled immigration is a key component to strengthening the U.S. economy and essential for driving innovation and the creation of jobs across our nation. It is especially important for those international students educated at U.S. colleges and universities. Given the enormous impact this proposed rule will have on our graduates, as well as the overall U.S. economy, we ask that DHS withdraw this proposed rule and allow the current structure to remain in place.

Sincerely,

Ted Mitchell
President

On behalf of:

American Association of Colleges and Universities
American Association of Community Colleges
American Association of State Colleges and Universities
American Association of University Professors
American Association of Veterinary Medical Colleges
American Council of Learned Societies

---

[2] Sept. 29, 2025 ACE and community comments to DHS proposed rule on "duration of status": https://www.acenet.edu/Documents/Comments-Duration-of-Status-092925.pdf

American Council on Education
Association of American Universities
Association of Governing Boards for Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public & Land-Grant Universities
EDUCAUSE
ETS
Hispanic Association of Colleges and Universities
NAFSA: Association of International Educators
NASPA-Student Affairs Administrators in Higher Education
National Association for College Admission Counseling
National Association of Colleges and Employers
National Association of College and University Business Officers
National Association of Diversity Officers in Higher Education