Trump Administration Considers Suspending H-1B, Other Visas Through the Fall

President is expected to take action scaling back employment-based immigration in move aimed at speeding economic recovery after pandemic crisis

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WASHINGTON—The Trump administration is weighing a proposal to suspend a slate of employment-based immigration visas, including the coveted H-1B high-skilled visa, according to administration officials familiar with the talks, among several possible measures amid the economic fallout of the pandemic.

The proposed suspension could extend into the government’s new fiscal year, beginning Oct. 1, when many new visas are typically issued, these officials said. That could bar any new H-1B holder outside the country from coming to work until the suspension is lifted, though visa holders already in the country are unlikely to be affected.

The suspension proposal is one of a series of legal immigration limits that President Trump is considering as part of an executive action he is set to unveil in the coming weeks. The administration has argued that the pandemic requires limits on immigration to prevent sick people from entering the country and to ensure that Americans get jobs first as the economy rebounds.

Administration officials said the president hasn’t yet signed off on the plan, adding that it could change as senior aides continue to discuss the matter.

“The administration is currently evaluating a wide range of options, formulated by career experts, to protect American workers and job seekers, especially disadvantaged and underserved citizens—but no decisions of any kind have been made,” White House spokesman Hogan Gidley said in a statement.

In addition to the H-1B visa, the suspension could apply to the H-2B visa for short-term seasonal workers, the J-1 visa for short-term workers including camp counselors and au pairs and the L-1 visa for internal company transfers.

The administration plans to exempt some industries from the restrictions, such as health-care workers directly involved in treating Covid-19 patients and others critical to the food supply chain. The administration is also considering a broader carve-out allowing employers to hire immigrants if they can prove they can’t hire Americans for a given job.
Lawmakers and businesses—including tech companies and seasonal employers—along with colleges and universities, are calling on the administration to abandon the plan and have been circulating details of the proposals online. They say that barring immigrants who fill unique skill sets or take jobs most Americans won’t perform would hamper economic growth rather than bolster it.

In a May 27 letter addressed to Mr. Trump, nine Republican senators, including Lindsey Graham (R., S.C.) and John Cornyn (R., Texas) urged him to reconsider broad new restrictions on temporary work-visa programs, which the senators said would ultimately hurt U.S. businesses.

“American businesses that rely on help from these visa programs should not be forced to close without serious consideration,” they wrote. “Guest workers are needed to boost American business, not take American jobs.”

A recent poll from the Pew Research Center found that 64% of adults said legal immigrants mostly fill jobs U.S. citizens don’t want.

Senior officials at the White House, the Department of Homeland Security and the Labor Department have been working for several months on the recommendations, which they plan to bring to the president for final signoff as soon as this week, the people familiar with the talks said.

Other changes under discussion would take longer to implement as formal regulations, but if adopted, would become permanent, they said.

The administration is considering scaling back the Optional Practical Training program that allows international students to work on their student visas. The proposal would repeal an Obama-era extension allowing students with science or engineering degrees to work for three years, rather than the one year permitted all other students, and limit work permits only to those graduating at the top of their class.

It is also considering ending an Obama-era rule allowing spouses of H-1B workers to work on their visas. That could eliminate approximately 100,000 immigrants from the workforce over time.

In addition, the administration is mulling a proposal to charge $20,000 to apply for H-1B visas, either by increasing the application fee or adding it as surcharge, the people familiar with the talks said. The H-1B application fee is currently $460, though some companies pay hundreds or thousands of dollars more in additional fees.

Last November, U.S. Citizenship and Immigration Services, the agency that processes visa petitions, proposed nearly doubling the cost of a citizenship application among other fees to address its budget shortfall. The agency has since said the pandemic has worsened its financial problems, prompting the agency to shut offices and pause most routine immigration services for two and a half months.
Officials said that increasing H-1B visa costs could help USCIS, the agency that processes visa petitions, plug a hole in its budget. The agency, which is funded through fees it collects on immigration applications, is asking Congress for a $1.2 billion bailout.

The package is likely to include several other long-sought changes to the H-1B program, including narrowing the definition of qualifying specialty occupations and placing more requirements on companies hiring these workers as contractors. The administration may also shorten the length of H-1B visas for workers paid at the lowest pay tier and require pay increases for them upon renewal.

Another proposal could eliminate work permits for asylum seekers—a move the government has already formally proposed—along with refugees and other immigrants who aren’t required by law to receive them.

In April, the president signed a proclamation temporarily barring some family-based immigration to the country, two days after teasing a full ban in response to the pandemic’s economic toll. In a concession to hard-line immigration groups, the order asked for recommendations on additional ways to curb employment-based immigration within 50 days—a period ending Friday.

Some members of groups favoring immigration restrictions said that while the proposals echo policies they have long urged Mr. Trump to adopt, they worried he would side with businesses who oppose them.

“From how long this is taking, it’s clear they’re more worried about big business interests than unemployed American workers,” said RJ Hauman, government relations director at the Federation for American Immigration Reform, a group that advocates for lower levels of immigration. “So at this point we’ll believe it when we see it.”