

FRAGOMEN



**The 23rd Washington
International Education
Conference:** Immigration
Updates for International
Students and Scholars

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**WITH YOU
TODAY**



BASIM KAMAL

Senior Associate

Fragomen, Del Rey, Bernsen & Loewy LLP

Washington, DC

basimkamal@fragomen.com

Immigration in the Second Trump Administration



Over the past year, this Administration has issued **several executive orders and proclamations aimed at various US Immigration programs**



These initial immigration-related orders were aimed at **increasing security screening** of foreign nationals, laying the groundwork for **future travel bans, impacting adjudication of immigration benefits, and suspending humanitarian programs**



Many of these orders and proclamations did not have immediate effect, but **several restrictive policies have been introduced and/or implemented in the months that followed by various governmental agencies**, on the basis of the initial Executive Orders and Presidential Proclamations

The State of International Education in the US Today

- ❖ Overall, a change in immigration policies, enforcement priorities, and funding has significantly impacted U.S. competitiveness for international students and scholars
- ❖ Federal data indicates there has been ~20% decline in new international student enrollment and arrivals in August 2025
- ❖ According to NAFSA, this translates into over \$1.1 billion of lost revenue and nearly 23,000 fewer jobs



**KEY EXECUTIVE ACTIONS IMPACTING
INTERNATIONAL STUDENTS AND SCHOLARS**

Executive Order 14148

- **EO 14148: Initial Rescissions of Harmful Executive Orders and Actions**
 - ❖ Rescinds many previous Executive Orders, including those that **reduced barriers to legal immigration** and those that **developed mechanisms to attract international students** in STEM
 - ❖ Specifically **rescinds** EO that directed immigration agencies to develop ways to help the US attract and retain foreign AI and STEM talent; it was credited with facilitating NIV and IV pathways for critical talent

Executive Order 14159

- **EO 14159: Protecting the American People Against Invasion**
 - ❖ Calls for DHS to authorize state and local law enforcement to be Immigration Officers and to **maximize use of expedited removal authorities**
 - ❖ Directs DHS to enable program for the **registration of noncitizens**

Executive Order 14161

- **EO 14161: Protecting the US from Foreign Terrorists and Other National Security/Public Safety Threats**
 - ❖ Calls for maximum vetting of all noncitizens seeking admission to the U.S. and those already in the U.S
 - ❖ “...the United States must ensure that admitted aliens and aliens otherwise already present in the United States **do not bear hostile attitudes toward its citizens, culture, government, institutions, or founding principles, and do not advocate for, aid, or support designated foreign terrorists and other threats to our national security.**”

Executive Order 14188

- **EO 14188: Additional Measures to Combat Anti-Semitism**

- ❖ Directs agencies to report on recommendations for higher education institutions to monitor and report noncitizen students and staff for possible removal
- ❖ “...recommendations for familiarizing institutions of higher education with the grounds for inadmissibility under 8 U.S.C. 1182(a)(3) so that such institutions **may monitor for and report activities by alien students and staff** relevant to those grounds and for **ensuring that such reports about aliens lead, as appropriate and consistent with applicable law, to investigations and, if warranted, actions to remove such aliens.**”

Presidential Proclamations 10949 & 10998

- **PP 10949 & 10998: Restricting the Entry of Foreign Nationals**

- ❖ PP 10949: A travel ban on the basis of protecting the United States from foreign terrorists and other national security and public safety threats that implements a travel ban of individuals who are nationals of certain countries from 19 countries, including those applying for F-1 and J-1 visas
- ❖ PP 10998: A revised travel ban that brings the total number of countries to 39 countries
- ❖ Some countries are subject to a ‘partial’ travel ban, while others are subject to a ‘full’ travel ban

Involved Government Agencies

- ❖ In turn and as directed by these Executive Orders and Presidential Proclamations, several U.S. government agencies have issued new regulations, policies, and memos that have directly impacted international students

- **Department of Homeland Security (DHS)**
 - United States Citizenship & Immigration Services - **USCIS**
 - Immigration & Customs Enforcement – **ICE**
 - Student & Exchange Visitor Program – **SEVP**
 - Customs & Border Protection – **CBP**



- **Department of Labor (DOL)**



- **Department of State (DOS)**

- U.S. Embassies and Consulates



- **Department of Justice (DOJ)** and the federal judicial branch



2025: In Review

Q1

- **January 20:** President Trump issues numerous immigration-related executive orders (EOs).
- **January 23:** District Court issues TRO pausing implementation of birthright citizenship EO.
- **February 5:** District Court issues nationwide injunction against birthright citizenship EO.
- **March 12:** USCIS publishes interim final rule on foreign national registration.
- **March 25:** DHS terminates parole program for Cuban, Haitian, Nicaraguan, Venezuelan (CHNV) nationals 30 days after March 25.
- **March 25:** DHS pauses Romania's designation as a Visa Waiver Program country.

Q2

- **April 11:** DHS interim final rule on foreign national registration takes effect.
- **May 2:** DHS/DOS rescind Romania's Visa Waiver Program designation.
- **May 19:** Supreme Court lifts injunction against termination of 2023 TPS for Venezuela.
- **June 2:** Supreme Court permits termination of CHNV parole programs, as litigation continues.
- **June 4:** President Trump issues travel ban for nationals from 19 countries, effective June 9, and issues immediate 6-month F/M/J ban for new study at Harvard (the latter quickly paused by federal courts and remains paused).
- **June 9:** Nationality-based travel ban takes effect for 19 countries.
- **June 27:** U.S. Supreme Court partially stays district court nationwide injunctions on birthright citizenship EO.

2025: In Review (continued)

Q3

- **July 10:** A federal district court issued a provisional nationwide class certification and preliminary injunction that temporarily prevents the U.S. government from implementing the birthright citizenship EO.
- **July 21:** DHS updates Haiti TPS termination date to February 3, 2026.
- **July 21:** An administrative stay postponed TPS termination of Afghanistan to July 21, from July 14.
- **July 22:** Implementation of several new fees for humanitarian applications based on reconciliation bill.
- **July 25:** State Dept. eliminates nonimmigrant visa (NIW) interview waivers (IWs) for most.
- **August 5:** State Dept. proposes to add a passport requirement to Diversity Visa program.
- **August 11:** DHS proposals under OMB review: EB-5 fee changes; USCIS' collection/use of biometrics.
- **August 15:** USCIS reverts to prior policy on age calculation under Child Status Protection Act (CSPA). USCIS guidance subjects naturalization applicants to broader good moral character review.
- **August 19:** USCIS issues guidance announcing it will consider applicant's support for anti-American ideologies when adjudicating certain immigration benefit requests.
- **August 20:** State Dept. temporary rule takes effect, requiring certain B-1/B-2 visa applicants to post a \$5,000, \$10,000, or \$15,000 bond to obtain their visa.
- **August 28:** DHS proposes to change the admission period in the F, J, and I classifications from duration of status (D/S) to a fixed time period. The agency accepted comments through Sept. 29.
- **September 2:** State Dept.'s narrower version of NIV IW program takes effect.
- **September 6:** State Dept. limits Third Country National nonimmigrant visa appointments.
- **September 19:** President Trump issues EO on The Gold Card program and on entry restrictions and \$100,000 fee for certain H-1B petitions.
- **September 21:** Entry restrictions take effect for certain H-1B specialty occupation nonimmigrants.
- **September 24:** DHS publishes proposal to alter H-1B cap selection process.
- **September 30:** CBP fees for land border I-94, ESTA, and EVUS take effect.


Q4

- **October 6:** USCIS final rule takes effect, expanding criminal law enforcement authority & practice within the agency.
- **October 30:** DHS interim final rule eliminates the maximum 540-day automatic extension of certain EADs for renewal applications filed on/after Oct. 30; agency accepted comments on the rule until Dec. 1, 2025.
- **November 3:** DHS proposes significant expansion of biometrics collection and use; agency accepted comments on the proposal until January 2, 2026.
- **November 6:** U.S. Supreme Court stays a district court preliminary injunction that had permitted U.S. citizens to apply for a passport that reflects their gender identity.
- **November 6:** A State Dept. cable reportedly directs consular officers to more broadly consider a visa applicant's health condition in determining whether the applicant will become a public charge of the United States, and therefore, deemed ineligible for a visa.
- **November 19:** DHS publishes proposal on public charge; public comments accepted until Dec. 19.
- **November 19:** OMB approves new USCIS Form I-140G that would be used to apply for the new Gold Card permanent residence program.
- **December 2:** USCIS issues Policy Memorandum pausing immigration benefit requests for certain applicants from "countries of concern" & mandates re-review of approved benefits for FNs from these countries.
- **December 3:** DOS announces H-1B & H-4 visa applicants will be subject to social media and online presence review starting December 15.
- **December 4:** USCIS updates Policy Manual to reduce EAD validity period for certain filing categories impacting applications pending or filed after December 5.
- **December 10:** TrumpCard.gov website begins accepting applications for the Gold Card program.
- **December 10:** CBP proposes changes to ESTA application process, including social media review.
- **December 16:** President Trump issues expanded and revised travel ban, effective January 1, 2026.
- **December 17:** DOL submits a proposed rule for review on wage protections for H-1B & PERM employment.
- **December 19:** USCIS issues Policy Memorandum pausing pending Diversity Visa lottery adjustment applications & ancillary benefits while the govt. conducts an in-depth review of each applicant.
- **December 29:** DHS publishes a final rule – effective Feb. 27, 2026 – that that replaces the current random H-1B cap lottery process with a new weighted selection process that favors beneficiaries with the highest wages according to DOL's four-level prevailing wage system.

2026: Recent Developments

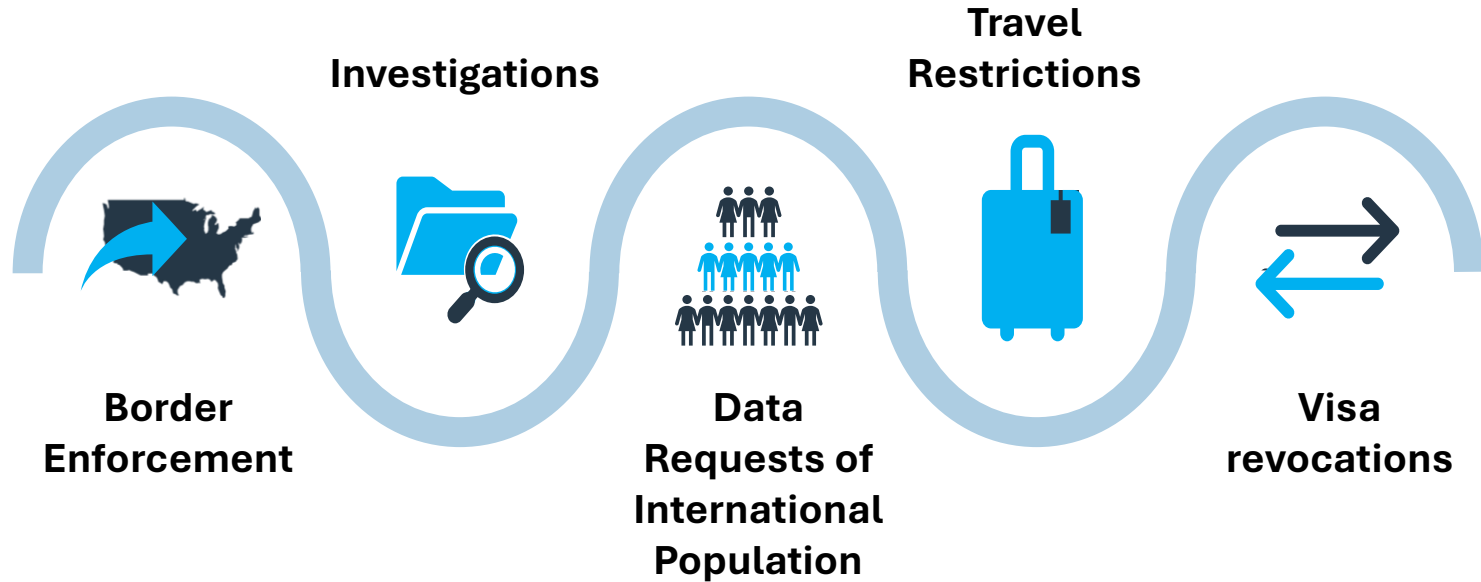
Q1

- **January 1:** Expanded travel ban takes effect.
- **January 1:** USCIS issues Policy Memorandum expanding the scope of its restrictive policies for individuals from travel ban countries, primarily to align with the expanded travel ban country list that took effect on January 1.
- **January 12:** USCIS issues final rule increasing the premium processing fees for certain employment-based filings, including Form I-140, I-129, I-539, and I-765 (OPT), effective March 1.
- **January 21:** Effective Jan. 21, State Department to indefinitely suspend immigrant visa issuance for 75 countries due to public charge reassessment.
- **February 23:** DOL proposal to revise wage rules for the H-1B and PERM programs clears federal review; proposal pending publication for public feedback.
- **February 27:** DHS final rule takes effect, which replaces the current random H-1B cap lottery process with a new weighted selection process that favors beneficiaries with the highest wages according to DOL's four-level prevailing wage system.
- **March 1:** USCIS final rule takes effect, increasing premium processing fees for certain filings.



**THE DAY-TO-DAY IMPACTS TO
INTERNATIONAL STUDENTS AND SCHOLARS**

Impacts Across the Immigration Lifecycle



Enhanced Vetting

Foreign nationals face heightened scrutiny at all stages of their immigration process.

- ❖ Stricter vetting for USCIS benefits has led to increased **additional requests for evidence (RFEs) and higher denial rates**
- ❖ Stricter vetting for consular applications mean **increased volume and processing times for security clearance delays and visa denials**
- ❖ Stricter vetting at the border means **more in-depth questioning and denied entries**
- ❖ Stricter vetting in the interior has meant **revocations, arrests, and deportations**

Enhanced vetting

All foreign nationals are now subject to more stringent security checks at the border, at consulates, and when applying for immigration benefits in the US, based on:

- Country of birth
- Country of citizenship
- Prior interaction with law enforcement
- Work history
- Travel history
- Involvement in advanced technology fields
- Military service
- Affiliations
- Social media use

Travel Bans Impacting F-1 and J-1 Populations

- ❖ Effective January 1, 2026, a nationality-based proclamation issued on December 16, 2025 expands and revises President Trump's June 2025 travel ban proclamation to a total of the 39 countries and the Palestinian Authority
- ❖ The expanded proclamation **suspends both immigrant and nonimmigrant visa issuance** to the United States for nationals of the following 19 countries (increased from 12 countries subject to full suspension under the June travel ban):
 - ❑ **Afghanistan, Burkina Faso, Burma, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Laos** (previously on the June travel ban "partially restricted list"), **Libya, Mali, Niger, Sierra Leone** (previously on the June travel ban "partially restricted list"), **Somalia, Sudan, South Sudan, Syria, and Yemen**
 - ❑ Those who seek to travel to the United States **using Palestinian Authority-issued or endorsed travel documents** will not be issued a U.S. nonimmigrant or immigrant visa under the new proclamation, unless eligible for an exception
- ❖ For nationals of the following countries, the proclamation **suspends immigrant visa issuance, as well as nonimmigrant visa issuance in the B-1, B-2, F, M, and J visa classifications**:
 - ❑ **Angola, Antigua & Barbuda, Benin, Burundi, Cote d'Ivoire, Cuba, Dominica, Gabon, The Gambia, Malawi, Mauritania, Nigeria, Senegal, Tanzania, Togo, Tonga, Venezuela, Zambia, Zimbabwe**
 - ❑ Nationals of **Turkmenistan** are only barred from immigrant visa issuance; nationals of the country can be issued any nonimmigrant visa
- ❖ Proclamation only applies to nationals of the above 39 countries and those using Palestinian Authority-issued travel documents who:
 - Are outside of the United States on January 1, 2026; **and**
 - Do not have a valid visa on January 1, 2026
- ❖ **National Interest Exceptions to travel restrictions**
Available case-by-case in the discretion of the government

*List of travel ban countries to be reviewed on a periodic basis to assess whether the restrictions should be continued, modified, suspended, or supplemented

Student/Scholar Related Travel and Visa Restrictions

- ❖ The State Department **introduced new standards for mandatory review of online presence** of these applicants
 - Applicants for these visas **face more intensive screening of their online presence**, including their social media accounts
 - **Vetting** is likely to focus on **perceived antisemitism, communism, Marxism, and other views** that officials may consider “contrary to American values.”
- ❖ Additional delays with background, security, and social media checks

Other Student/Scholar Related Travel and Visa Issues

- ❖ Less consular appointments are generally available worldwide, with increased wait times
- ❖ Less appointment waivers
- ❖ New requirement to apply in home country or country of residence
- ❖ **CBP examination of phone and electronic devices** at the border - rights vary based on your immigration status.
- ❖ Any past criminal history/protest activity at all makes students/scholars vulnerable to enforcement action either by CBP or by the State Department and significantly raises the risk of travel.

Suspension of Humanitarian Immigration Programs

- ❖ **DACA:** The DACA program remains in place for existing recipients. As a result of a Jan.17, 2025 decision by the Fifth Circuit Court of Appeals, the program is expected to be revised in Texas (see next slide). Further guidance from a Texas federal district court and USCIS is expected in the coming months, including whether USCIS might begin processing initial applications for applicants nationwide.
- ❖ **Asylum-seekers and refugees:** President Trump's Day 1 executive orders suspended the U.S. refugee assistance program (USRAP) and halted asylum applications at the U.S.-Mexico border
- ❖ **Humanitarian parole programs** for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) were terminated. While the govt. was temporarily blocked from terminating the CHNV program on April 24, the Supreme Court lifted the stay on May 30, allowing DHS to implement the termination as litigation continues.
- ❖ **Temporary Protected Status** programs for several countries have been rescinded and/or slated to end, subject to further court proceedings, including for citizens of Afghanistan, Burma (Myanmar), Cameroon, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Syria, Venezuela, and Yemen.



How many humanitarian beneficiaries are likely to be affected?

- *DACA:* 535,000 recipients
- *TPS:* 863,000 recipients
- *Humanitarian parolees:* 1.7 million recipients

USCIS Adjudications Now Screen Foreign Nationals' Social Media

- ❖ USCIS announced it will **begin screening foreign nationals' social media for antisemitic activity as grounds for denying immigration benefit requests**
 - ❖ The announcement also states **USCIS will be considering the physical harassment of Jewish individuals as grounds for denying immigration benefit requests**
- ❖ According to USCIS, this will **immediately affect applicants for lawful permanent resident status, foreign students, and “foreign nationals affiliated with educational institutions linked to antisemitic activity”**
- ❖ USCIS states that it will consider social media content that indicates a foreign national “endorsing, espousing, promoting, or supporting antisemitic terrorism, antisemitic terrorist organizations, or other antisemitic activity as a negative factor in any USCIS discretionary analysis when adjudicating immigration benefit requests.”

USCIS Adjudications Now Consider Anti-American Views

- ❖ According to updated guidance revising the USCIS Policy Manual, **USCIS will consider whether a foreign beneficiary supports or promotes ideologies or organizations viewed as anti-American when adjudicating certain immigration benefit requests**
- ❖ USCIS will also **more broadly review social media activity** by or pertaining to foreign beneficiaries
- ❖ The updated policy **applies to a range of immigration benefit requests**, including
 - ❖ Applications for extensions or changes of status
 - ❖ Adjustment of status applications
 - ❖ Applications to reinstate F-1 status
 - ❖ Most applications for Employment Authorization Documents (EADs), including H-4 EADs, F-1 OPT and STEM OPT EADs, and adjustment of status EADs
- ❖ **Full impact of the new Policy Manual guidance will not be known until USCIS begins to issue decisions in cases subject to heightened review**

USCIS Implements Adjudication Pause For Nationals and/or Individuals Born in Certain Countries

- ❖ **December 2, 2025:** USCIS issues Policy Memorandum which
 - **pauses all pending immigration benefit requests from** applicants who are citizens of or were born in one of the countries listed in Trump's June 2025 travel ban;
 - **mandates the re-review of approved immigration benefits** for foreign nationals from the travel ban countries if the foreign national entered the U.S. on or after January 20, 2021
- ❖ **January 1, 2026:** USCIS issues Policy Memorandum **expanding on the December 2 PM** (above), primarily to align with the expanded travel ban country list that took effect on January 1, 2026.

Other F-1/J-1 Issues Over the Past Year

- ❖ Automatic **termination** of F-1 students' SEVIS records without notice
 - Apparent cases ranged from criminal arrests to traffic violations to no discernable basis
- ❖ F-1 and J-1 student visa **revocations** by the State Department
- ❖ **Detainment** and **deportation** of students
- ❖ **Deportations** Under Section 237(a)(4)(C)(i) of the INA
 - Regulation permits to deport any alien “whose presence or activities in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States.”
 - As of now, 300+ students have been deported under this provision

Other F-1/J-1 Issues Over the Past Year (Continued)

- ❖ Chinese student applications adjudicated by USCIS and DOS are receiving scrutiny under **PP 10043** issued under the first Trump administration for alleged support of China’s “military-civil fusion strategy”
- ❖ Targeted investigations of universities with extensive data requests regarding their international student and scholar population
- ❖ Revocation of billions of dollars of research funding
 - Closure of USAID, and consequently its research funding/grants to institutions of higher education
 - Department of Education, Department of Health and Human Services, and NIH research funding cuts
 - Funding freezes by the State Department Bureau of Educational and Cultural Affairs programs
- ❖ DHS directive rescinding protected areas for ICE enforcement, including colleges and universities

Post Graduation Employment Issues

- ❖ Changes in the H-1B lottery and regulations surrounding the H-1B visa
- ❖ \$100K fee for certain H-1B applications
- ❖ Increased scrutiny and denial rates by USCIS for self-filed green card applications under EB-1A and for National Interest Waivers (NIWs)
- ❖ Increased hesitation of employers to sponsor international students



INSTITUTIONAL CONSIDERATIONS
AND WHAT TO EXPECT GOING FORWARD

Institutional Considerations In Response To Increased Enforcement, Vetting, and Investigations

- ❖ Assistance with law enforcement and immigration agencies
 - Several universities have entered into agreements with ICE
- ❖ Plans and considerations (including legal, communications, and student support) when enforcement action occurs either on or off campus
- ❖ Responding to data collection and other government investigation requests
- ❖ As an employer, consideration of student, scholar, faculty, and staff workforce records and compliance

What to Expect Moving Forward

- ❖ Additional short-term and longer-term travel bans
- ❖ Continued limited visa appointment availability and processing delays
- ❖ Additional vetting by CBP at ports of entry
- ❖ Continued visa revocations
- ❖ Stricter adjudication standards and processing delays by USCIS on reinstatement, change of status, OPT, self-sponsored green card applications, and other post-graduation employment-based petitions
- ❖ Targeted investigations similar to Harvard University related to antisemitism/DEI/international student data, impacting continued participation in the SEVP program

Upcoming Regulatory Agenda and a Look Ahead

❖ In September 2025, DHS, DOL, and DOS issued their upcoming regulatory agendas. Some key priorities include:

- Amendments to F-1 OPT and CPT practical training programs
- The end of D/S for F-1 and J-1 students
- Further restrictions of employment authorization for beneficiaries of humanitarian programs
- Increased use of biometrics for immigration benefits

DHS Proposes to Replace D/S With Fixed Periods For F, J, I Nonimmigrants

- ❖ On August 28, 2025, DHS published a [proposed regulation](#) that **would seek to replace the current “duration of status” (D/S) admission policy for international students (F status) and exchange visitors (J status), and their dependents with a policy that would set a fixed period of authorized stay**
- ❖ If the rule is finalized as proposed, F and J nonimmigrants would need to apply for an extension of stay to continue their activities beyond their specified admission period and complete biometric screening
- ❖ If F or J nonimmigrants stay beyond their fixed periods of stay, they would become subject to the unlawful presence rules currently in place for other nonimmigrant categories
- ❖ The proposed rule also appears to eliminate the current regulation requiring deference to previous USCIS approvals in most nonimmigrant adjudications
- ❖ The proposed rule would also make it more difficult for students to transfer to other universities or to continue their studies at the same or lower education level after graduation

DHS Proposes Significant Expansion of Biometrics Collection and Use

- ❖ On November 3, 2025, DHS released a proposed regulation that **seeks to broadly expand the collection and use of biometrics** in the enforcement and administration of immigration laws
- ❖ If the rule is finalized as proposed, foreign nationals who are granted an immigration benefit would become subject to continuous biometrics screening and vetting throughout their stay in the United States until they naturalize to become U.S. citizens
- ❖ The new rule **would also expand:**
 - ❖ the categories of individuals subject to biometrics collection to include U.S. citizens associated with an immigration filing and individuals under 14 years of age
 - ❖ current DHS biometrics collection policies to include palm prints, facial and voice recognition, ocular imagery (including iris and retina images), and DNA, among other techniques



THANK YOU



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Q&A

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