



September 24, 2026

Office of the Chief Financial Officer  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

RE: Department of Homeland Security (DHS) Docket No. USCIS-2026-0298

Dear Chief Financial Officer:

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, we write in response to the September 10, 2026, notice of proposed rulemaking that would establish a \$103,265 fee for all H-1B cap-subject petitions.

While we appreciate that colleges and universities are exempt from this as non-cap subject employers, we would like to emphasize the detriment this fee would have broadly on our ability to recruit and maintain global talent. We are also concerned about the proposed large increase in an administrative fee that goes “far beyond the direct adjudication cost of [an] individual petition” and would be used for unspecified programs well beyond the Department of Homeland Security (DHS), including by the Department of Justice (DOJ), Department of State (State), and Department of Labor (Labor).

Higher education institutions rely on international faculty, researchers, postdoctoral scholars, and specialized staff to advance critical scientific research, enhance campus diversity, and train domestic students in high-need fields.<sup>1</sup> We remain deeply concerned about the broader economic and strategic impacts of imposing this significant new fee and its impact on international students studying in the U.S. International students contribute over \$40 billion annually to the U.S. economy and support thousands of domestic jobs.<sup>2</sup> However, a primary driver for prospective international students choosing U.S. institutions over competing foreign universities is the opportunity to eventually apply their academic training by lawfully working through well-established programs such as the H-1B category.

International students are essential to the vitality of U.S. higher education, not only for the cultural perspectives and academic excellence they bring to our classrooms, but because their financial contributions directly support domestic students and academic programs. Tuition and fees from international students

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<sup>1</sup> CUPA-HR. September 29, 2025, Data on H-1B Status for Faculty and Professionals: <https://www.cupahr.org/resource/data-on-h-1b-status-for-faculty-and-professionals/>

<sup>2</sup> NAFSA. November 17, 2025, International Students Contributed \$43 Billion to the U.S. Economy in 2024-2025; Fall 2025 Spending Down by \$1.1 Billion: <https://www.nafsa.org/about/about-nafsa/international-students-contributed-43-billion-us-economy-2024-2025-fall-2025>

often support programs and institutional capacity to serve domestic students on campus. These financial contributions maintain critical course offerings, lab facilities, and degree programs that might otherwise be financially unviable, directly benefiting domestic students enrolled in those same programs.<sup>3</sup>

The long-term economic impacts of international student enrollment extend far beyond campus communities and immediate post-graduation employment. Foreign national graduates from U.S. higher education institutions disproportionately go on to launch innovative businesses, establish cutting-edge technology startups, and create thousands of high-paying jobs for domestic American workers. A study by the National Foundation for American Policy (NFAP) revealed that 24 percent of all U.S. “unicorn” startups—billion-dollar companies—were founded by individuals who first came to the United States as international students.<sup>4</sup> Supporting international students directly supports the U.S. workforce.

Lastly, we are concerned that this large increase in administrative fees will be used across various federal agencies for unspecified programs. Previously, fees have been adjusted, and increases have been justified due to the cost of adjudication for applicants as required by law (INA 286(m)). When DHS was created, the functions of the former Immigration and Naturalization Service were split among three subagencies: Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). This separation was deliberate to allow appropriated funds to flow directly to ICE and CBP and for USCIS to be nearly entirely fee funded. The proposed rule states that the increased revenue will be used across several agencies, including DOJ, State, and Labor for various immigration-related activities. We are concerned that this large amount of revenue will be used for programs and activities beyond those authorized and appropriated by Congress as this contravenes the historical and statutory role of the filing fees.

Given these concerns, we urge DHS to withdraw this problematic proposed rule. We hope you will consider higher education as an important stakeholder and consider our vital role in educating the domestic workforce. We urge you to reconsider the \$103,265 fee, as imposing such a substantial cost would hinder the global competitiveness of U.S. colleges and universities and diminish their ability to attract talented international students and scholars.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Mitchell".

Ted Mitchell, President

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<sup>3</sup> NAFSA. August 11, 2026, Fall 2026 International Student Enrollment Outlook & Economic Impact: <https://www.nafsa.org/fall2026outlook>

<sup>4</sup> National Foundation for American Policy. June 2026, NFAP Policy Brief: Immigrants and U.S. Billion-Dollar Companies: <https://nfap.com/research/new-nfap-policy-brief-immigrants-and-u-s-billion-dollar-companies/>

On behalf of:

American Association of Collegiate Registrars and Admissions Officers

American Association of Veterinary Medical Colleges

American Council on Education

American Dental Education Association

Association of Catholic Colleges and Universities

Association of Governing Boards of Universities and Colleges (AGB)

Association of Jesuit Colleges and Universities

Association of Public and Land-grant Universities

Career Education Colleges and Universities

Council for Advancement and Support of Education

Council of Graduate Schools

EDUCAUSE

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 College and University Business Officers

Presidents' Alliance on Higher Education and Immigration