

THE
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Does Presidential Tweet Portend Positive Developments in H-1B Visa Program?

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President Donald Trump surprised the immigration community recently with [an encouraging tweet about H-1B visa holders](#):

H-1B holders in the United States can rest assured that changes are soon coming which will bring both simplicity and certainty to your stay, including a potential path to citizenship. We want to encourage talented and highly skilled people to pursue career options in the U.S.

While the President has long spoken about focusing on bringing the “best and brightest” to the United States, his Administration’s actions over the past year have made it more difficult for companies and individuals to obtain H-1B visas and have not made H-1B workers feel particularly secure in their statuses. Among [those actions are](#):

- DOJ warned employers not to discriminate against U.S. workers in their hiring practices.
- DHS has stepped up its worksite investigations of companies that hire H-1B workers.
- USCIS issued guidance making it more difficult to employ H-1B workers at third party worksites.
- USCIS [no longer defers](#) to approvals in prior decisions when a company requests an H-1B extension.
- There has been a huge uptick in Requests for Evidence and denials of H-1B petitions.
- There are [plans to enshrine new definitions](#) that will make it more difficult to qualify for H-1B status.
- DHS [plans to eliminate the H-4 EAD program](#) that allows spouses of H-1B beneficiaries to work in the United States while they wait in long lines to become green card holders.
- USCIS has issued policies that make it [more likely that students will fall out of status](#).

We do know that DHS is [planning to institute a new program that is likely to favor](#) U.S. advanced degree holders in the H-1B lottery. We also know that there have been bills introduced (although not passed) that would help to [reduce the long backlogs for Indian and Chinese workers](#) who are waiting in line for green cards. (Of course this move would end up lengthening wait times for workers from other countries that have not been subject to backlogs.)

What could the President have in mind? Is there substance behind this tweet?

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