



Status Risks for Individuals On F-1 OPT, J-1, H-1B And Permanent Residents in The Current Enforcement Environment

The immigration landscape in 2025 has shifted dramatically, especially for individuals in student, exchange visitor, and H-1B categories – some of the most common categories that U.S. employers use to sponsor foreign workers.

The federal government has implemented sweeping extreme vetting procedures, enhanced employer compliance operations, and category-specific restrictions, all of which increase the risk of visa denial, status loss, and delayed or derailed long-term immigration plans.

Below is a consolidated guide to the most significant developments affecting individuals on F-1 OPT, J-1, H-1B, as well as lawful permanent residents (green card holders).

1. Extreme Vetting: Heightened Scrutiny for All Foreign Nationals - Especially F, J, and H

A. Expanded Resume, Work History, and Social Media Review

A December 2025 cable ordered consular officers to conduct extensive background screening of H-1B applicants and their accompanying family members, including review of resumes and LinkedIn profiles. Officers are instructed to examine whether an applicant has ever worked in “misinformation, disinformation, content moderation, fact-checking, compliance and online safety.”

According to Reuters, the cable states: *“If you uncover evidence an applicant was responsible for, or complicit in, censorship or attempted censorship of protected expression in the United States, you should pursue a finding that the applicant is ineligible...”*

Although directed at H-1B applicants, this expanded vetting authority is now standardized across most nonimmigrant categories, including F-1 and J-1, where officers increasingly review:

- Social media content

- Political or ideological expression
- University affiliations
- Employment or research that may touch on national-security-sensitive fields

B. Student Visa Vetting Intensifies

[The State Department](#) has specifically highlighted greater scrutiny for F-1 applicants, including mandatory review of social media posts to detect content “hostile toward the United States.”

Risk Areas for F-1s and J-1s:

- Posts interpreted as anti-U.S.
- Work or research in sensitive academic fields
- Inconsistencies between SEVIS information, resumes, and actual activity
- Past employment not disclosed in visa applications

Even minor discrepancies can lead to visa denials, security-related inadmissibility findings, or visa revocation.

2. Risk of Losing “Duration of Status” for F-1 and J-1 Students and Exchange Visitors

The Administration [has proposed](#) a rule that would end the longstanding practice of granting F-1 and J-1 students “duration of status” and instead requires fixed end dates and more frequent extensions.

If this rule is finalized:

- F-1 OPT workers may face status gaps or interruption if an employer changes or if USCIS processing is delayed.
- SEVIS compliance errors (late OPT updates, address issues, unemployment days, etc.) may become immediate status violations.
- J-1 researchers and trainees could face forced departures if their programs encounter delays.

Bottom line:

Students and exchange visitors would have less flexibility and greater exposure to status violations, even for routine administrative mistakes.

3. H-1B Status Risks: Fees, Visa Ineligibilities, Wage Rules, and Lottery Changes

The past year has brought an unprecedented wave of new H-1B-specific restrictions.

A. New Entry Restrictions & Extreme Vetting of H-1B Workers

A [presidential proclamation](#) imposes broad limits on entry of certain nonimmigrant workers, including H-1Bs, based on national-security screening and occupation-specific concerns.

B. The \$100,000 H-1B Petition Fee

USCIS has implemented a \$100,000 filing fee for certain H-1B petitions, applicable in limited circumstances but with enormous impact on employers.

Detailed explanation:

<https://www.grossmanyong.com/blog/update-new-h1b-fee/>

C. Forthcoming DOL Rule to Increase Prevailing Wages

Per the proclamation, DOL will pursue rulemaking to raise prevailing wage levels, aligning them with the administration's stated goal of reducing H-1B usage.

This is expected to:

- Increase salary requirements significantly
- Push many H-1B workers out of eligibility
- Create challenges for extensions, amendments, and green card sponsorship

D. Restructuring of the H-1B Lottery

A [new proposal](#) would eliminate the traditional random lottery and replace it with a tiered, salary-weighted selection system, heavily favoring the highest wage levels.

This shift risks:

- Reducing access for early-career professionals
- Disadvantaging startups, nonprofits, and universities
- Creating instability for F-1 STEM OPT workers relying on H-1B transition

4. Employer Compliance Crackdowns: Increased Audits Across All Categories

Employers who have sponsored foreign nationals for F-1 OPT, J-1, H-1B, or green cards have an increased risk exposure.

A. I-9 Audits Surge Nationwide

I-9 audits increased substantially in 2025. Just as [one example](#), in July Harvard University was required to turn over nearly 20,000 I9 forms.

Consequences for workers:

If an employer fails to maintain compliant I-9s, affected employees may face termination -which for nonimmigrants can immediately trigger loss of status.

B. FDNS Site Visits for H-1B Employers

USCIS [continues aggressive use](#) of its Fraud Detection and National Security (FDNS) site visit program to verify:

- Work location
- Job duties
- Actual employer–employee relationship

Noncompliance can result in petitions being revoked or future filings denied.

C. DOL’s “Project Firewall”: New LCA Investigations

The Department of Labor launched [Project Firewall](#), expanding investigations into H-1B wage compliance and LCA attestations.

This includes:

- Wage level verification
- Actual wage vs. LCA wage comparisons
- Public access file inspections

D. F-1 OPT Employer Site Visits

DHS has long [had authority](#) for STEM OPT site visits, but these are expanding in scope and frequency.

E. J-1 Program Audits

The State Department has launched investigations into certain J-1 programs, including high-profile university programs.

Example: Investigation into Harvard's exchange visitor program –

<https://www.state.gov/releases/office-of-the-spokesperson/2025/07/investigation-of-harvard-university-participation-in-the-exchange-visitor-program>

Risk for J-1s:

If a program is found noncompliant, individual exchange visitors may lose status abruptly.

F. PERM / Green Card Documentation Retention and Audit Risk

The [DOL regulations](#) require employers to retain **all PERM recruitment and supporting documents for 5 years**.

This means:

- A PERM case can be audited **long after** the employee becomes a green card holder.
- If the DOL later finds issues, it may affect an employer's ability to sponsor future cases -and may raise scrutiny of past filings.

5. Status Risks for Lawful Permanent Residents

Although green card holders enjoy more stability, they are nevertheless experiencing:

- Increased scrutiny during reentry
- Review of past immigration history
- Enforcement of abandonment rules for extended travel
- Heightened security vetting, especially for individuals with sensitive employment or social media content

Green card holders working in technology, academia, national-security-related roles, or any area flagged in the ongoing “extreme vetting” protocols may encounter questions or secondary inspection.

Conclusion

Across visa categories, the current environment places a premium on compliance, documentation, transparency, and proactive legal strategy. The risks are real, from visa denial to status revocation to green card complications years after the fact, and individuals should ensure they are working with qualified immigration counsel to navigate these changes.