



THE NEWSGUILD

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Submitted via regulations.gov

Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street SW
Washington, DC 20536

Re: Revision to the I Visa Program for Representatives of Foreign Media, RIN 1653-AA95/Docket No. ICEB-2025-0001.

The NewsGuild-CWA (the “Guild”) is the largest union of journalists in North America, representing more than 20,000 journalists and media workers at more than 300 news outlets, and respectfully submits these comments on the proposed revisions to the I visa program for “bona fide representative[s] of foreign press.” 8 U.S.C. § 1101(a)(15)(I); see Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media, 90 Fed. Reg. 42,070 (Aug. 28, 2025) [hereinafter “Proposed Rule”].

The Guild has major concerns that the Proposed Rule by DHS is in conflict with the First Amendment, is inadequately justified, shortens the duration of I visas to unworkable limits, and will result in reduced international news coverage originating from the United States at a time when there are 37% fewer journalism jobs in the U.S. than in 2000.

I. Proposed Rule conflicts with the First Amendment by expanding DHS oversight of news and chilling reporting

By shortening the I visa term from five years to just eight months and conditioning extensions on DHS review of “the content that the foreign information media

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representative is covering in the United States,” the Proposed Rule 90 Fed. Reg. at 42,099 would improperly expand government supervision of journalistic work. This heightened oversight is incompatible with the First Amendment’s prohibition on government regulation of press content.

The Supreme Court has long held that the First Amendment’s guarantee that “Congress shall make no law...abridging the freedom of speech, or of the press” bars both direct censorship and indirect interference with editorial judgment. In *Near v. Minnesota*, 283 U.S. 697 (1931) and *New York Times Co. v. United States*, 403 U.S. 713 (1971), the Court struck down prior restraints and reaffirmed that official review of journalistic content is presumptively unconstitutional. Likewise, in *Miami Herald v. Tornillo*, 418 U.S. 241 (1974), the Court held that government intrusion into editorial decision making was inappropriate.

By forcing foreign journalists to reapply frequently for I visa renewal, the Proposed Rule creates serious risks that visas could be denied in retaliation for unfavorable reporting, thereby placing government officials in a position to punish journalists for exercising their First Amendment rights. The very process of reapplication would likely chill independent reporting by discouraging journalists and news outlets from pursuing stories deemed too sensitive or controversial by a particular administration or administration officials.

As the Supreme Court cautioned in *Branzburg v. Hayes*, 408 U.S. 665, 707-08 (1972), “Official harassment of the press undertaken not for purposes of law enforcement but to disrupt a reporter’s relationship with his news sources would have no justification.” The Department should therefore make clear that under no circumstances may a visa applicant be asked to identify sources they have spoken to or expect to speak to in the course of their reporting.

II. Proposed Rule would shorten duration of I visas to unworkable limits without justification

Our union agrees with other submitted comments in this rulemaking that the proposed revisions are flawed because eight months is not an “appropriate” measure of the time it takes for foreign journalists to do their work. [Proposed Rule, 90 Fed. Reg. at 42,099] The only reason given by the Department to support this term is that it mirrors the automatic extension provided to I visa-holders whose

current visa would otherwise expire because they intend to change media or employers. [CITATION] The time it takes for the government to determine whether an applicant is eligible for a visa should not be used as the determination for how long it takes to complete the reporter activities approved by the visa. The two are unrelated.

The Guild represents dozens of members who are foreign journalists on visas working in the United States. The journalism work these visas are intended to support does not last a mere eight months. Journalists must cultivate sources, gain an understanding of their coverage area and become familiar with the culture. That takes time and cannot be achieved in such a short time frame. This is particularly true for journalists working in the United States for foreign news agencies.

The proposal provided by the Department is also inconsistent with the Department's previous view that visa terms of less than a year, coupled with the specter of non-renewal, can amount to "hostile measures targeting a free press" because of their disruptive effect on journalists' work. 2020 Rule, 85 Fed. Reg. at 27,646. The Department should maintain the existing duration-of-status framework.

The Guild is also concerned about the retaliatory effect the Proposed Rules' shortened duration would have on American journalists working overseas. The Immigration and Nationality Act contemplates that the admission of journalists will be governed on "a basis of reciprocity." 8 U.S.C. § 1101(a)(15)(I); see also H.R. Rep. No. 82-1365, at 45. On that basis, the Department resolved to limit the stays available to Chinese journalists because of China's use of short visa terms to "suppress[]...independent journalism in the PRC." 2020 Rule, 85 Fed. Reg. at 27,646.

By restricting foreign journalists working in the United States, the Proposed Rule threatens to trigger retaliation by other countries against U.S.-based news organizations. This would greatly impact our members, as well as U.S. citizens at home and abroad who depend on a news ecosystem that includes robust newsgathering and reporting in other countries.

III. Proposed Rule would reduce international news coverage originating from the U.S. at a time when journalism jobs are at a 20-year low

The Proposed Rule is inadequately justified, lacking any reasoning for why I visa-holders pose a risk to national security or any other government interest Proposed Rule 90 Fed. Reg. at 42,080. The only claim made by the Department is that “the number of representatives of foreign information media has nearly doubled” since 1985, when the existing framework was introduced. [Proposed Rule 90 Fed. Reg. at 42,076] However, resources available to vet visas have far more than doubled over the same period, and media organizations already undertake great effort to ensure their journalists comply with visa requirements.

Across the United States, there were 24,380 fewer journalism jobs in 2024 than in 2000, due to several factors. Bureau of Labor Statistics, Occupational Employment and Wage Statistics, (2000 and 2024). More international news organizations may seek to fill the gap and increase U.S.-based coverage, especially in languages other than English. The Department should not be adopting rules that will result in fewer U.S.-based journalists at a moment when the number of domestic journalists working is at a 20-year low.

IV. Conclusion

The Guild urges the Department to reject the proposed changes to the I visa regulations. At a minimum, the Department should not use rulemaking to retaliate against journalists or chill newsgathering and reporting. The Department should ensure that the visa terms are long enough to support the reporting activities for which I visas are intended and to ensure that they will not be cited by other countries to reduce the number of domestic journalists working overseas.

The United States has always stood for a strong, independent and free press. Restricting foreign journalists risks undermining that legacy by emulating countries where press freedom is near extinct. The Proposed Rule would damage America’s global standing.

Please feel free to contact Dan Bass, senior researcher at the Communications Workers of America with any questions about these comments. He can be reached at dbass@cwa-union.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Schleuss". The signature is fluid and cursive, with the first name "Jon" being more legible than the last name "Schleuss".

Jon Schleuss

President

The NewsGuild-CWA