

# REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

PO Box 34176  
Washington, DC 20043  
(202) 795-9300 • [www.rcfp.org](http://www.rcfp.org)

## PRESIDENT

Bruce D. Brown

## STEERING COMMITTEE CHAIR

STEPHEN J. ADLER

## VICE CHAIR

MARGARET LOW  
WBUR

## SECRETARY-TREASURER

MASSIMO CALABRESI  
The New York Times

## EXECUTIVE COMMITTEE MEMBERS

DAVID BOARDMAN  
Temple University

THEODORE J. BOUTROUS, JR.  
Gibson, Dunn & Crutcher LLP

GAIL GOVE  
NBCUniversal

LAURA HANDMAN  
Davis Wright Tremaine

DIEGO IBARGÜEN  
Hearst

THOMAS C. RUBIN  
OpenAI

## STEERING COMMITTEE MEMBERS

MARTY BARON  
Ret., The Washington Post

WOLF BLITZER  
CNN

SEWELL CHAN  
USC Annenberg

LYNETTE CLEMETSON  
University of Michigan

JASON CONTI  
Dow Jones

NIKHIL DEOGUN  
Brunswick Group

MANNY GARCIA  
Freelance Journalist

EMILIO GARCIA-RUIZ  
The San Francisco Chronicle

JOSH GERSTEIN  
POLITICO

ALEX GIBNEY  
Jigsaw Productions

JAMES GRIMALDI  
National Catholic Reporter

KAREN KAISER  
The Associated Press

KIMBRIELL KELLY  
Chicago Public Media

ALEX MACCALLUM  
CNN

MATT MURRAY  
The Washington Post

NORMAN PEARLSTINE  
New York, New York

CHARLIE SAVAGE  
The New York Times

NABIHA SYED  
Mozilla

ADAM SYMSON  
The E.W. Scripps Company

MATT THOMPSON  
The New York Times

VICKIE WALTON-JAMES  
NPR

*Affiliations appear only for purposes of identification.*

Submitted via [regulations.gov](https://www.regulations.gov)

September 29, 2025

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 Reporters Committee for Freedom of the Press (the “Reporters Committee”) and the 26 news media organizations listed below (together, the “Commenters”) respectfully submit 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”].

Commenters only address the proposed revisions to the regulations governing I visas for foreign information media representatives, and take no position on portions of the Proposed Rule addressing other visa categories.

The proposed revisions raise press freedom considerations. By shortening the visa term to eight months and requiring that the Department of Homeland Security (the “Department” or “DHS”) review “the content that the foreign information media representative is covering in the United States” to determine eligibility for an extension, *id.* at 42,099, the Proposed Rule may entangle DHS in the supervision of journalism. Further, the new framework may chill reporting on the United States, especially reporting in the public interest about the government elements responsible for extension approvals; may invite other nations to retaliate against U.S. journalists; and lacks adequate justification.

## I. The Proposed Rule may chill newsgathering and reporting.

As the Department itself has previously emphasized, “The United States has for decades permitted individuals who are representatives of foreign information media outlets to remain in the United States for the entirety of the period that the individual is engaged in that activity.” Period of Admission and Extensions of Stay for Representatives of Foreign Information Media Seeking to Enter the United States, 85 Fed. Reg. 27,645, 27,646 (May 11, 2020) [hereinafter “2020 Rule”]. By reducing the need for recurring encounters between reporters and the Department, the existing

approach avoids undue involvement of the government in the inspection or supervision of journalism.

By contrast, “shorter durations of stay, as well as increasing uncertainty during the visa renewal process,” can more easily be manipulated to muzzle reporting. *Id.* at 27,647 (alleging that the People’s Republic of China has shortened visas for U.S. reporters for this reason). The proposed revisions present a similar risk.

By shortening the initial length of an I visa to eight months, the Proposed Rule involves DHS in reviewing “the content that the foreign information media representative is covering in the United States” on a more regular basis. Proposed Rule, 90 Fed. Reg. at 42,099. That renewal process creates the risk that visas could potentially be denied on retaliatory grounds. Further, the reapplication process itself could chill legitimate reporting. Border authorities can be and have been used to pry into the content of journalists’ work. *See, e.g.,* Sarah Grevy Gotfredsen, *Entry Denied*, Colum. J. Rev. (Apr. 10, 2025), <https://perma.cc/GV73-LFAB> (noting at least 55 instances of journalists stopped at the border since 2017, including instances where reporters were questioned or criticized by border authorities over their work). The proposed revisions would similarly expose foreign journalists’ work to examination when their initial visa term expires, and the threat of that scrutiny may encourage reporters to avoid engaging in reporting perceived to be critical of the government in the first place.

At a minimum, the Department should adopt safeguards to prevent the misuse of information obtained via the extension application process, such as a provision for prompt expungement of any information gained about the subject matter of an applicant’s reporting. The Department should also carefully limit the scope of any inquiry into “the content that the foreign information media representative is covering in the United States.” Proposed Rule, 90 Fed. Reg. at 42,099. In many cases, such an inquiry would be unnecessary to demonstrate eligibility if the applicant can produce evidence of an employment contract in a journalistic role with a qualifying foreign news organization. There would be no serious question, for instance, that a person hired as the Washington bureau chief of a Canadian daily newspaper is engaged in “journalism” rather than “entertainment.” *Id.* In any case, it is difficult to imagine any scenario in which it would be necessary for an applicant to submit more than a high-level description of a beat or assignment to demonstrate that their reporting satisfies the statutory criteria. The Department should make these limitations explicit.

The Department should also make clear that under *no* circumstances may an applicant be asked to discuss sources they have spoken to or expect to speak to in the course of their reporting. As the Supreme Court explained in a different context, “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.” *Branzburg v. Hayes*, 408 U.S. 665, 707-08 (1972).

## **II. The proposed I visa duration is too short and the Proposed Rule's revisions to the I visa program are inadequately justified.**

Commenters agree with others who have submitted comments in this rulemaking that the proposed revisions are flawed because eight months may not be an “appropriate” measure of the time it takes foreign reporters to do their work. Proposed Rule, 90 Fed. Reg. at 42,099. The only reason the Department gives for asserting that the term *is* appropriate is that it mirrors the automatic extension provided to I visa-holders whose current visa would otherwise expire because they intend to change mediums or employers. *See id.*; 8 CFR § 274a.12(b)(20). This is a non-sequitur. There is no reason to think a period calibrated to give the government time to determine whether an applicant is eligible for a visa is also enough time for the applicant to complete the activities the visa is intended to support. The proposal 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 or, at a minimum, lengthen the revised visa term considerably to ensure that it is adequate to support the reporting activities for which I visas are intended.

Commenters also agree that the proposed revisions create the risk that other nations will react by restricting the ability of U.S. journalists to work abroad. 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 shorten 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.

The Department’s proposed revisions, by restricting the ability of foreign journalists to report from the United States, now threaten to trigger retaliation by other countries against U.S.-based news organizations, which would impair international newsgathering and reporting by domestic members of the news media.

Finally, Commenters agree with other commenters in this rulemaking that the revisions are inadequately justified. In contrast with the Department’s discussion of past misconduct by individuals holding F and J visas, the Proposed Rule fails to cite even anecdotal reasons—to say nothing of representative data—to think that I visa-holders pose a risk to national security or any other government interest. *See id.* at 42,080. The only evidence-based claim the Department makes to justify changes to the I visa program is that “the number of representatives of foreign information media has nearly doubled” since 1985, when the existing framework was introduced. *Id.* at 42,076. But resources available to vet them have far more than doubled in the same period, and media organizations already make great efforts to ensure their journalists comply with their visa requirements.

Accordingly, the cited interests for the proposed changes to the I visa program are speculative, and Commenters urge the Department to reconsider them.

### **III. Conclusion**

Commenters urge the Department to eliminate the proposed changes to the I visa regulations. At a minimum, Commenters urge the Department to revise the Proposed Rule with respect to I visas, to ensure that the I visa program cannot be used to retaliate against foreign journalists or chill newsgathering and reporting; to ensure that the visa term is long enough to support the reporting activities for which I visas are intended; and to ensure that it will not be cited by other countries to impair the international operations of domestic news organizations.

Please feel free to contact Grayson Clary, Staff Attorney at the Reporters Committee, or Gabe Rottman, Vice President of Policy, with any questions about these comments. They can be reached at [gclary@rcfp.org](mailto:gclary@rcfp.org) and [grottman@rcfp.org](mailto:grottman@rcfp.org).

Sincerely,

The Reporters Committee  
For Freedom of the Press

Asian American Journalists Association  
The Associated Press  
Association of Foreign Press  
Correspondents (USA)  
Bloomberg News  
The Center for Investigative Reporting  
Committee to Protect Journalists  
Dow Jones & Company, Inc. (The Wall  
Street Journal)  
European Broadcasting Union  
First Amendment Coalition  
Foreign Press Association USA  
The Intercept Media, Inc.  
International Documentary Association  
International Women's Media  
Foundation

The Media Institute  
National Newspaper Association  
The National Press Club  
National Press Photographers  
Association  
National Public Radio, Inc.  
News/Media Alliance  
The NewsGuild - CWA  
Online News Association  
Press Freedom Center at The National  
Press Club  
Reuters News & Media Inc.  
Society of Environmental Journalists  
Society of Professional Journalists  
Student Press Law Center