Order in the Sport!
The NIL Era's Impact on NCAA International Student-Athletes

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I. INTRODUCTION

Frenchman Léon Marchand became a star of the 2024 Paris Olympics at just 22 years old.[1] Not only did he win the 200-meter butterfly, but 50 minutes later, he set an Olympic record in the 200-meter backstroke.[2] This feat put Marchand in rarefied air as the first French swimmer to win multiple gold medals in one Olympics.[3] His performance marked the beginning of a new era within swimming. Unbeknownst to most viewers in the United States, Marchand had been swimming at Arizona State University in the National Collegiate Athletic Association (NCAA) since 2021.[4] His inability to sign Name, Image, and Likeness (NIL) deals could have been a major reason why Marchand remained under the radar at Arizona State.

The NCAA has recently faced litigation that permits student-athletes to receive compensation for their worth. In 2025, the NCAA's student-athletes generated $1.6 billion in revenue,[5] yet for 116 years these same student-athletes were prohibited from receiving any compensation.[6] Through *O'Bannon v. NCAA*, *NCAA v. Alston*, and the *House* settlement, domestic student-athletes are finally able to receive compensation through both NIL and a direct revenue-sharing model.[7] While this is a step in the right direction, athletes like Marchand have been left behind.

Marchand, along with almost 25,000 other international NCAA student-athletes,[8] attended his institution through an F-1 visa issued by United States Citizenship and

1. D'Arcy Maine, *Leon Marchand Delivers as the New King of Olympic Swimming*, ESPN (July 31, 2024), https://www.espn.com/olympics/story/_/id/40694208/olympics-paris-leon-marchand-swimming-gold-medals-records-king [https://perma.cc/7ZYY-9Y99].

2. *Id.*

3. *Id.*

4. Riley Overend, *In the Era of NIL, Barriers and Loopholes Create Confusion for International Athletes*, SWIMSWAM (Aug. 14, 2023), https://swimswam.com/in-the-era-of-nil-barriers-and-loopholes-create-confusion-for-international-athletes/ [https://perma.cc/66F7-S97N].

5. Elysse Bell, *Why College Athletes Earn Compensation*, INVESTOPEDIA (May 17, 2026), https://www.investopedia.com/should-college-athletes-be-paid-8576572 [https://perma.cc/MU55-VL43].

6. *The History of the NCAA*, NCAA, https://www.ncaa.org/sports/2021/6/14/timeline-1900s.aspx [https://perma.cc/9JBA-75ZE].

7. R. Lee Solomon, *International Student-Athletes and Their Eligibility for NIL Partnerships*, BAKERHOSTETLER (Aug. 19, 2024), https://www.bakerlaw.com/insights/international-student-athletes-and-their-eligibility-for-nil-partnerships/ [https://perma.cc/V4AK-289T]; *see also infra* notes 67–76 (discussing the O'Bannon and Alston cases).

8. *International Student-Athlete Participation*, NCAA, https://www.ncaa.org/sports/2018/3/21/international-student-athlete-participation.aspx [https://perma.cc/3X4F-K8PY].

Immigration Services (USCIS).[9] The F-1 visa, also known as the student visa, generally prohibits "work."[10] Thus, any international student-athlete using an F-1 visa cannot receive NIL or revenue sharing payments since they are derived from a form of work. Student-athletes are inching further away from the NCAA's former moniker of "amateurism," but international student-athletes are forgoing an estimated $13 million and counting in NIL compensation annually.[11]

This Note will present the history and current developments regarding immigration and the NCAA to determine how this situation came to be. Immense economic sacrifices have been made by international student-athletes, and this must be remedied by amending the F-1 visa. To ensure rising stars like Marchand continue to attend United States institutions and compete in the NCAA, Congress must provide guidance that enables these student-athletes to reap the benefits of the United States' education system and economy for years to come.

II. BACKGROUND

A. Immigration and Visas Through American History

1. History of Immigration in the United States

Visas became a part of American history through the Immigration Act of 1917.[12] Amid World War I, Congress ratified this Act, which instituted literacy tests, increased taxes on immigrants,[13] and prohibited entry for those born in the Middle East and the islands of Southeast Asia.[14] These policies were not deemed to be effective enough, which led to the implementation of immigration quotas established in the Immigration Act of 1924.[15] These quotas were based upon the United States' 1910 census results, where over 93 million people registered,[16] and limited the annual number of visas to 350,000.[17] The immigration system has developed significantly in the last 100 years, but it has become even more polarizing today.

Despite the various kinds of visas offered, the current political climate is not conducive to immigrants. The Trump Administration has taken substantial steps through

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9. Bryan Dearinger, *Name, Image, and Likeness: International Student Athletes*, UNIV. OR. OFF. GEN. COUNS., https://generalcounsel.uoregon.edu/name-image-and-likeness-international-student-athletes [https://perma.cc/JX9T-9KVT].

10. *Id.*

11. *Id.* This is a conservative estimate. International student-athletes who are men's basketball stars have massive NIL valuations. Gonzaga's Massamba Diop has a NIL valuation of $5 million, Indiana's Samet Yigitoglu is valued at $4 million, and Miami's Somoto Cyril is valued at $4 million. These three international players alone have a valuation of $13 million! *On3 NIL Valuations*, ON3, https://www.on3.com/nil/rankings/player/nil-valuations/ (on file with the *Journal of Corporation Law*).

12. *The Immigration Act of 1924 (The Johnson-Reed Act)*, OFF. HISTORIAN: U.S. DEP'T OF STATE [hereinafter *The Immigration Act of 1924*], https://history.state.gov/milestones/1921-1936/immigration-act [https://perma.cc/3YF9-JQZ5].

13. *Id.*

14. *Immigration Act of 1917 (Barred Zone Act)*, IMMIGR. HIST. (2019) [hereinafter *The Immigration Act of 1917*], https://immigrationhistory.org/item/1917-barred-zone-act/ [https://perma.cc/3QDQ-EJW4].

15. *The Immigration Act of 1924*, *supra* note 12 (describing the quota system established by the Act).

16. E. DANA DURAND & WM. J. HARRIS, POPULATION 1910: GENERAL REPORT AND ANALYSIS 22 (1913).

17. *Id.*

the One Big Beautiful Bill Act (Big Beautiful Bill) to change how immigration is conducted in the United States.[18] The Big Beautiful Bill signals a crackdown on immigration by allocating nearly $170 billion to expand enforcement efforts.[19] For example, this bill allocated $45 billion to Immigration and Customs Enforcement (ICE) for detention systems, $30 billion to ramp up ICE's arrests and deportations, and $46 billion for Customs and Border Protection's (CBP) attempts to control the United States–Mexico border.[20] On top of these allotments, there have been increased visa fees for students and tourists[21] and proposals by the Department of Homeland Security (DHS) to eliminate the "abuse" of F-1 visas.[22] The Trump Administration believes "students, professors, physicians, and other [F-1] visa holders" are remaining in the United States unscreened.[23] Therefore, the Administration has established strict guidelines to ensure foreign students only stay for the duration of their program before considering any extensions for additional education.[24] These measures have created immense friction across the country as some citizens question the "meteoric spike" in funding for ICE under the Trump Administration and try to determine what it might mean for the future of immigrants in the United States.[25] Early returns show legal immigration fell dramatically as a result of the Administration's practices as the issuance of green cards decreased from 52,000 per month during the Biden Administration to 26,000 in February of 2026.[26]

The current climate of immigration in the United States is more controversial than ever before.[27] To feasibly address the issues facing international student-athletes, this Note limits its recommendations to minor amendments to existing visas. Today's international student-athletes rely heavily upon the F-1 visa, while other foreign athletes turn to the P-1A and O-1 visas.[28]

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18. Albert Sun & Allison McCann, *ICE Arrests Soar as People With No Criminal Record Are Increasingly Targeted*, N.Y. TIMES (Aug. 27, 2026), https://www.nytimes.com/interactive/2026/08/27/us/ice-immigrant-arrests-trump-deportation-dhs.html [https://perma.cc/C6C7-EYCJ]. Since ICE received increased funding, 8,000 more agents have been added to increase enforcement. In July of 2026, a majority of the 49,000 people arrested by ICE did not have a criminal history.

19. Camilo Montoya-Galvez, *Trump's 'Big, Beautiful Bill' Gives ICE Unprecedented Funds to Ramp Up Mass Deportation Campaign*, CBS NEWS (July 10, 2025), https://www.cbsnews.com/news/ice-funding-big-beautiful-bill-trump-deportations/ [https://perma.cc/8LP8-NUFS].

20. *Id.*

21. Heidi Altman, Tanya Broder & Ben D'Avanzo, *The Anti-Immigrant Policies in Trump's Final 'Big Beautiful Bill,' Explained*, NAT'L IMMIGR. L. CTR. (Aug. 20, 2025), https://www.nilc.org/resources/the-anti-immigrant-policies-in-trumps-final-big-beautiful-bill-explained/ [https://perma.cc/J9UV-LRAL].

22. Press Release, U.S. Dep't Homeland Sec., Trump Administration Proposes New Rule to End Foreign Student Visa Abuse (Aug. 27, 2025) [hereinafter Trump Administration Proposes New Rule], https://www.dhs.gov/news/2025/08/27/trump-administration-proposes-new-rule-end-foreign-student-visa-abuse [https://perma.cc/GQ3Z-77QC].

23. *Id.*

24. *Id.*

25. Bill Chappell, *How ICE Grew to Be the Highest-Funded U.S. Law Enforcement Agency*, NPR (Jan. 21, 2026), https://www.npr.org/2026/01/21/nx-s1-5674887/ice-budget-funding-congress-trump [https://perma.cc/BU9W-83NE].

26. Albert Sun, *Legal Immigration Fell Sharply Under Trump Policies Adopted Early This Year*, N.Y. TIMES (Oct. 18, 2026), https://www.nytimes.com/interactive/2026/10/18/us/trump-immigrant-visas-decline.html (on file with the *Journal of Corporation Law*).

27. *See infra* Part III.A.1 (explaining the impact of increased ICE funding on United States institutions).

28. *Directory of Visa Categories*, TRAVEL.STATE.GOV, https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/all-visa-categories.html [https://perma.cc/GF5C-AWAV].

2. Popular Visa Options

a. F-1 Visas for Students

Student-athletes almost exclusively rely upon the F-1 visa to receive education at an accredited American institution.[29] The F-1 visa allows for temporary access to the United States for the purpose of education, differentiating it from an immigrant visa.[30] Before considering athletics, prospective international students must apply and be accepted at an institution that is registered with the Student and Exchange Visitor Program (SEVP).[31] Once accepted and enrolled as a full-time student at a SEVP–approved school, the student must complete Form I-20, register for the Student and Exchange Visitor Information System (SEVIS),[32] and pay a $350 SEVIS fee.[33] After all of these items are completed, the student must interview at the United States Embassy or Consulate within their home country to determine whether their visa will be granted or denied.[34]

If an F-1 visa is obtained following this arduous process, a student-athlete must meet other requirements to remain in the United States. The F-1 visa is focused on providing educational opportunities and consequently limits the ability for an international student to work while in the United States. Since the goal of the F-1 visa is "to study, not to work,"[35] DHS limits students using this visa to on-campus employment of 20 hours per week or off-campus employment if the student demonstrates a severe economic hardship.[36] Therefore, a student-athlete would need to be compensated through on-campus work, which might include working at a university library, café, or bookstore.[37] These work restrictions hinder the ability of international student-athletes to receive direct NIL deals for advertisement campaigns, commercials, or sponsored social media posts. A traditional international student would not be likely to have qualms with this part of the F-1 visa, but some student-athletes are forgoing millions of dollars due to these restrictions.[38] To ensure these student-athletes do not lose out on their earning potential or skirt the rules, the F-1 visa language could be modified to properly address this concern.

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29. Dearinger, *supra* note 9.

30. Alison Moodie, *The F-1 Student Visa, Explained*, BOUNDLESS (July 21, 2025), https://www.boundless.com/immigration-resources/f-1-student-visa-explained/ [https://perma.cc/HP8F-S5HJ].

31. *Id.*

32. *Student Visa*, TRAVEL.STATE.GOV., https://travel.state.gov/content/travel/en/us-visas/study/student-visa.html [https://perma.cc/T3KF-F6TX].

33. *SEVIS I-901 Fee*, THE UNIV. OF CHI. OFF. OF INT'L AFF. (2025), https://internationalaffairs.uchicago.edu/students/admitted-students/sevis-i-901-fee [https://perma.cc/6YL6-VK25].

34. *Student Visa*, *supra* note 32.

35. Dearinger, *supra* note 9.

36. *Working in the United States*, DEP'T OF HOMELAND SEC.: STUDY IN THE STATES (Nov. 28, 2023), https://studyinthestates.dhs.gov/students/work/working-in-the-united-states [https://perma.cc/P5F9-6DVE].

37. Dearinger, *supra* note 9.

38. *See infra* Part III.B.1.a (describing lost NIL opportunities and loopholes utilized by international student-athletes).

b. P-1A Visas for International Stars

The P-1A visa is a classification that applies to those who are temporarily seeking entry into the United States to take part in some form of athletic competition.[39] Like the F-1 visa, the P-1A classification is another form of a non-immigrant visa that only allows someone to stay temporarily in the United States.[40] This form of entry is limited to "artists, athletes, entertainers, and other persons of extraordinary ability."[41] Once obtained, the P-1A visa allows someone to partake in a competition as an internationally recognized individual or team, a professional athlete, or an athlete who is part of a foreign league.[42] International recognition requires a distinguished reputation regarding said competition, and a professional athlete must be part of a league with at least six members generating over $10 million in revenue annually.[43]

The P-1A visa is used by international superstars like Lionel Messi, an Argentinian widely considered the greatest soccer player of all time, while playing in Major League Soccer, and Shohei Ohtani, a Japanese citizen who is the face of Major League Baseball.[44] The P-1A enables these stars to obtain contracts that will keep them in the United States for many years, amassing significant earnings. For example, Ohtani signed a 10-year contract with the Los Angeles Dodgers in 2023 with a value of $700 million while on his P-1A visa.[45] While Ohtani's contract is an outlier, the NCAA's international student-athletes have almost zero earning ability on the F-1 visa.

One obstacle of the P-1A visa is that its recipients must be part of a league which renders them "temporarily or permanently ineligible under [NCAA] rules" to participate in the sport.[46] Regardless, the unique ability to be paid your worth without any constraints varies significantly from the F-1 student visa.

c. O-1 Visas for Extraordinary Individuals

Qualifying for an O-1 visa necessitates demonstrating "extraordinary ability by sustained national or international acclaim."[47] These recipients are usually involved in the

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39. *P-1A Athlete*, U.S. CITIZENSHIP & IMMIGR. SERV. (Mar. 26, 2021), https://www.uscis.gov/working-in-the-united-states/temporary-workers/p-1a-athlete [https://perma.cc/UBN7-ZP9N].

40. *Chapter 1 – Purpose and Background*, U.S. CITIZENSHIP AND IMMIGR. SERV. (Oct. 2, 2026), http://uscis.gov/policy-manual/volume-2-part-n-chapter-1 [https://perma.cc/3HFP-JA8Q].

41. *Id.*

42. *P-1A Athlete*, *supra* note 39.

43. *Id.*

44. Kevin Baxter, *Athletes From Foreign Countries in the U.S. Need Visas. Here's How the Process Works*, L.A. TIMES (Jan. 29, 2025), https://www.latimes.com/sports/story/2025-01-29/sports-visas-athletes-explain [https://perma.cc/GN7N-VRMH].

45. Alden Gonzalez, *Shohei Ohtani Joining Dodgers on 10-Year, $700M Contract*, ESPN (Dec. 9, 2023), https://www.espn.com/mlb/story/_/id/39076745/shohei-ohtani-join-dodgers-10-year-700m-deal [https://perma.cc/6QBH-UW34].

46. *P-1A Athlete*, *supra* note 39. Courts have recently gotten extremely involved in NCAA eligibility as players look for injunctions to participate for an extra season. This P1-A visa language could be similarly challenged in court.

47. *O-1 Visa: Individuals with Extraordinary Ability or Achievement*, U.S. CITIZENSHIP & IMMIGR. SERVS. (Mar. 3, 2023) [hereinafter *O-1 Visa*], https://www.uscis.gov/working-in-the-united-states/temporary-workers/o-1-visa-individuals-with-extraordinary-ability-or-achievement [https://perma.cc/PUE5-M38P].

arts, science, education, business, television, or athletics.[48] Like both the F-1 and P-1A visas, the O-1 visa is for non-immigrants or someone looking for a temporary stay in the United States.[49] The ability of some international student-athletes, like Marchand or Ludvig Åberg, a Swedish golfer who competed at Texas Tech before joining the PGA Tour,[50] would certainly be categorized as extraordinary depending on who you ask. Meeting this standard is difficult and would lead to issues for many student-athletes who hope to utilize the NCAA's platform and resources to eventually become "extraordinary" in their field.

The aforementioned visas provide various avenues for international athletes to enter the United States to compete. The history of collegiate athletics in the United States is strong and has become dependent on international stars like Marchand, Åberg, and many others.[51] Embracing international student-athletes and encouraging an above-board NIL process could be addressed directly in an amendment to one of these visas. By ensuring the NCAA's international student-athletes can receive compensation in line with their fair market value, the NCAA has an opportunity to continue to develop its rich history.

B. NCAA History and Decisions Leading to NIL

1. History of the NCAA

The NCAA's brand has become synonymous with collegiate athletics and high-level entertainment, yet it has had to overcome considerable turbulence over the years. After 18 deaths from football-related injuries in 1904, President and football fanatic Theodore Roosevelt stepped in and urged colleges to make radical changes to the sport or he would be forced to abolish it.[52] Just a year later, 62 institutions came together and created the Intercollegiate Athletic Association of the United States (IAAUS)[53] which established rules like the forward pass, neutral zone, and 10-yard first downs.[54] In 1910, the IAAUS was renamed the NCAA and expanded to include other popular sports like track and basketball.[55] Today, the NCAA is the governing body for over 500,000 student-athletes competing in 24 sports across three divisions.[56] The role of the NCAA is to provide structure and enforce rules that its 1,100 member institutions create.[57] The judicial and legislative branches have recently intervened to provide governance, but the NCAA's goal is to effectuate the rules member institutions and their student-athletes abide by.

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48. *Id.*

49. *Id.*

50. *About Ludvig*, TGL GOLF, https://tglgolf.com/players/ludvig-aberg [https://perma.cc/2RRS-8GB6].

51. *See infra* Part III.B.1.a (discussing how star international NCAA basketball players have maneuvered NIL rules).

52. Christopher Klein, *How Teddy Roosevelt Saved Football*, HIST. (May 28, 2025), https://www.history.com/articles/how-teddy-roosevelt-saved-football [https://perma.cc/AGZ8-KG6L].

53. *The History of the NCAA*, NCAA, https://www.ncaa.org/sports/2021/5/4/history.aspx [https://perma.cc/63JH-7ZQ9].

54. Klein, *supra* note 52.

55. *The History of the NCAA*, *supra* note 53.

56. *Who We Are*, NCAA, https://www.ncaa.org/sports/2021/2/16/overview.aspx [https://perma.cc/K7QZ-9KRK].

57. *Id.*

The NCAA artfully crafted a core principle of their model during an unfortunate lawsuit. Ray Dennison, an offensive lineman at Fort Lewis A&M,[58] died when he collided with a player from Trinidad Junior College during an NCAA Division II football game in 1955.[59] His widow subsequently sued Fort Lewis A&M for death benefits under the Workmen's Compensation Act to help take care of the three children he left behind.[60] The claim was fought by the NCAA and Fort Lewis A&M all the way up to the Colorado Supreme Court.[61] Walter Byers, the NCAA's first executive director, coined the phrase "student-athlete" during this dispute to try to diminish any sense of an employer-employee relationship between the NCAA and the deceased athlete.[62] Byers's craftsmanship worked. The Colorado Supreme Court ruled "the evidence does not disclose any contractual obligation to play football, [so] the employer-employee relationship does not exist."[63] This decision established NCAA athletes were not employees of their institutions, as they were simply students, despite the billions of dollars they would go on to generate.

Years later, Byers stated, "[w]hereas the NCAA defends its policies in the name of amateurism and level playing fields, they actually are a device to divert the money elsewhere."[64] Despite this acknowledgment, the NCAA continued to divert money generated by student-athletes into its own pockets for years. Following this student-athlete distinction, the NCAA utilized the term and made it analogous with collegiate athletics. While parties have pushed back against this moniker, a handful of recent judicial rulings have led to the term's demise.

2. Significant NCAA Judicial Decisions

Landmark decisions like *O'Bannon v. NCAA*, *NCAA v. Alston*, and the *House* settlement forced the NCAA to cave and allow student-athletes the right to be compensated for their fair market value. While other arguments and decisions tempted courts across the country, the NIL era would not have come to be without the combination of these rulings.[65]

58. Chuck Slothower, *Fort Lewis' First 'Student-Athlete'*, DURANGO HERALD (Sep. 25, 2014), https://www.durangoherald.com/articles/fort-lewis-first-student-athlete/ [https://perma.cc/XRQ9-MDC7].

59. Johnny Smith, *The Job Is Football: The Myth of the Student-Athlete*, ORG. AM. HISTORIANS, https://www.oah.org/tah/august-3/the-job-is-football-the-myth-of-the-student-athlete/ (on file with the *Journal of Corporation Law*).

60. Slothower, *supra* note 58.

61. *Id.*

62. *Id.*

63. *Id.*

64. *Walter Byers, Former NCAA Director who Coined 'Student-Athlete,' Dies at 93*, NBC SPORTS (May 28, 2015), https://www.nbcsports.com/college-basketball/news/walter-byers-former-ncaa-director-who-coined-student-athlete-dies-at-93 [https://perma.cc/KD34-MC47].

65. *See generally* Nat'l Collegiate Athletic Ass'n v. Bd. of Regents of Univ. of Okla., 468 U.S. 85 (1984); Bloom v. Nat'l Collegiate Athletic Ass'n, 93 P.3d 621 (Colo. App. 2004); Johnson v. Nat'l Collegiate Athletic Ass'n, 108 F.4th 163 (3d Cir. 2024) (describing other influential cases in the history of the NCAA that will not be expounded upon within this Note).

a. O'Bannon v. NCAA

Ed O'Bannon was an All-American basketball player and National Champion at UCLA—one of the NCAA's most prestigious programs.[66] In 2008, he observed his friend's son playing an Electronic Arts college basketball video game where O'Bannon was depicted.[67] O'Bannon sued the NCAA and Collegiate Licensing Company for preventing student-athletes from being compensated for the use of their NIL, as he claimed it was an illegal restraint on trade under the Sherman Antitrust Act.[68] The Ninth Circuit Court of Appeals ruled the NCAA is not above antitrust laws, stating, "the NCAA's rules have been more restrictive than necessary to maintain its tradition of amateurism in support of the college sports market."[69] The Ninth Circuit allowed the NCAA to provide scholarships up to the full cost of attendance; however, the court could not justify offering student-athletes compensation "untethered to educational expenses."[70] While the decision left student-athletes disappointed, *O'Bannon* marked a turning point in which the possibility of student-athlete compensation, beyond educational expenses, became a reality.

b. NCAA v. Alston

After the outcome of *O'Bannon*, Shawne Alston, a former running back at West Virginia University, and other student-athletes brought an antitrust lawsuit against the NCAA.[71] A unanimous Supreme Court decision affirmed that limiting compensation to the cost of attendance represented an unreasonable restraint on competition under the Sherman Antitrust Act.[72] The Court emphasized the Sherman Antitrust Act was originally passed to prevent an "undue restraint" on trade,[73] but for many years the NCAA enjoyed a monopoly in the labor market for student-athletes.[74] In his concurrence, Justice Brett Kavanaugh stated, "[n]owhere else in America can businesses get away with agreeing not to pay their workers a fair market rate on the theory that their product is defined by not paying their workers a fair market rate."[75] Suppressing the pay of student-athletes who generate billions for the NCAA without allowing them a cut would be "flatly illegal" in other American industries.[76]

Since the Court held the Sherman Antitrust Act applies, this placed immense pressure on the NCAA to offer procompetitive benefits.[77] Just nine days after the *Alston* decision

66. *Ed O'Bannon*: *Former UCLA & NBA Athlete*, FEDERALIST SOC'Y (Jan. 31, 2019), https://fedsoc.org/bio/ed-o-bannon [https://perma.cc/6MYK-49SW].

67. O'Bannon v. Nat'l Collegiate Athletic Ass'n, 802 F.3d 1049, 1055 (9th Cir. 2015).

68. *Id.*

69. *Id.* at 1079.

70. *Id.* at 1078. Judge Claudia Wilken rendered the ruling in the United States District Court for the Northern District of California which the NCAA appealed in this decision. Judge Wilken famously went on to oversee the *House v. NCAA* settlement in 2025.

71. Nat'l Collegiate Athletic Ass'n v. Alston, 594 U.S. 69, 69–70 (2021).

72. *Id.*

73. *Id.* at 81.

74. *Id.* at 86.

75. *Id.* at 112.

76. *Alston*, 594 U.S. at 109.

77. Case Comment, *Sherman Act—Antitrust Law—College Athletics*—NCAA v. Alston, 135 HARV. L. REV. 471, 480 (2021).

was rendered, the NCAA answered the bell by adopting an interim NIL policy.[78] While the decision did not directly permit NIL, it opened the floodgates to a new era of student-athlete empowerment.

c. House Settlement

The NCAA's interim policy was certainly not enough. Without more information and guidance, the new NIL era would culminate in more court cases attempting to decide what is permissible on the fly. The *House* settlement provided the initial response to this change, but today the NCAA, conferences, and student-athletes need more comprehensive governance on the issue.

Overseen by Judge Claudia Wilken, the NCAA settled three separate antitrust lawsuits for a value of $2.8 billion.[79] The massive settlement allocates money to be paid in "back damages" to NCAA student-athletes who competed from 2016 until 2025.[80] Additionally, both sides agreed to a revenue-sharing system enabling institutions to pay up to $20.5 million a year directly to their student-athletes.[81] While this new structure does not call itself "pay for play," it essentially enables schools to pay athletes a salary for their services.

The settlement remained silent on the topic of NIL collectives: third-party organizations that compile funding from boosters to facilitate NIL deals for student-athletes. In fact, the newly organized College Sports Commission (CSC) initially stated that any contributions to a student-athlete over $600 would require a "valid business purpose," which would render NIL collectives futile.[82] Due to significant pressure, the CSC caved, stating NIL collectives are able to continue and any disputes will be resolved on a case-by-case basis.[83] While the *House* settlement's revenue sharing figure of $20.5 million initially seemed like a cap to level the playing field, the CSC's response on NIL collectives has enabled the gap between institutions to grow. Some programs are now spending double this sum on their football team alone. This decision means student-athletes can now receive compensation in the form of athletic scholarships, revenue sharing from their university, and NIL deals.[84] Remarkably, these court decisions all failed to provide clarity for the NCAA's international student-athletes.

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78. *See* Michelle Brutlag Hosick, *NCAA Adopts Interim Name, Image and Likeness Policy*, NCAA (June 30, 2021), https://www.ncaa.com/news/ncaa/article/2021-06-30/ncaa-adopts-interim-name-image-and-likeness-policy [https://perma.cc/Z7YG-72ZT] (outlining the policy adopted that initially permitted individuals to engage in NIL activities consistent with their state laws and the like).

79. Dan Murphy, *Judge OK's $2.8B Settlement, Paving Way for Colleges to Pay Athletes*, ESPN (June 6, 2025), https://www.espn.com/college-sports/story/_/id/45467505/judge-grants-final-approval-house-v-ncaa-settlement [https://perma.cc/W2DY-V38B].

80. *Id.*

81. *Id.* The $20.5 million serves as a starting point that will increase around 4% each year until 2034 when the cap reaches $32.9 million. Austin Reid & Andrew Smalley, *What the NCAA Settlement Means for Colleges and State Legislatures*, NAT'L CONF. OF STATE LEGIS. (June 9, 2025), https://www.ncsl.org/state-legislatures-news/details/what-the-ncaa-settlement-means-for-colleges-and-state-legislatures [https://perma.cc/2TME-FWXR].

82. Michael McCann, *NIL Collectives Will Stay, but a Big Question Looms: What Is NIL?*, SPORTICO (Aug. 7, 2025), https://www.sportico.com/law/analysis/2025/what-is-nil-college-sports-commission-1234865989/ [https://perma.cc/K4TF-MP7N].

83. *Id.*

84. *Id.*

C. NCAA Value and Revenue Generation

1. Money Generated by Student-Athletes

The NCAA's economic model generated nearly $1.6 billion in revenue during 2025, signaling the remarkable demand and popularity of NCAA athletics.[85] The NCAA, institutions, and athletic departments all have received massive funding from the work of their student-athletes. Every NCAA Division I athletic department across the country brings in millions of dollars each year through media rights deals, NCAA distributions, ticket sales, donations, and licensing agreements.

a. Conference Media Rights

Each of the NCAA's "Power 4" conferences engage in their own television and media rights deals to pay their member institutions. What was once the "Power 5" prior to realignment now consists of the Atlantic Coast (ACC), Big Ten, Big 12, and Southeastern (SEC) Conferences. These conferences all have the responsibility of representing their member institutions in media rights negotiations to put games on television while also padding the conferences' pockets. For example, in 2022 and 2023, the Big Ten poached Oregon, Washington, USC, and UCLA from the Pac-12 Conference to strengthen their league in anticipation of future media rights negotiations.[86] Their ransack of the Pac-12 Conference has been well worth it as the Big Ten subsequently entered a seven-year, $7 billion media rights deal with Fox, CBS, and NBC to televise their athletics.[87] Prior to this massive agreement, Big Ten universities received $54.3 million annually from their media rights deal with Fox and ESPN;[88] in 2025, Big Ten institutions are on track to receive $75 million.[89] These astounding figures are just a piece of what each institution can tap into.

b. NCAA Distributions

Outside of the money received from their individual conferences, athletic departments generate significant revenue from NCAA allocations. According to the NCAA's "2024 Revenue Distribution" schedule, the total amount to be allotted was set at $650 million, with $226 million awarded through the "equal conference fund" and the "basketball performance fund."[90]

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85. Bell, *supra* note 5.

86. Adam Rittenberg, *Big Ten Adds Oregon, Washington as Newest Members in Blow to Pac-12*, ESPN (Aug. 4, 2023), https://www.espn.com/college-football/story/_/id/38135852/big-ten-adds-oregon-washington-newest-members-blow-pac-12 [https://perma.cc/Y22G-VXER].

87. Adam Rittenberg, *Big Ten Completes 7-Year, $7 Billion Media Rights Agreement with Fox, CBS, NBC*, ESPN (Aug. 18, 2022), https://www.espn.com/college-football/story/_/id/34417911/big-ten-completes-7-year-7-billion-media-rights-agreement-fox-cbs-nbc [https://perma.cc/Y283-W2WS].

88. *Id.*

89. Steve Berkowitz, *Big Ten Revenue Reached More Than $928 Million for 2024 Fiscal Year*, USA TODAY (May 6, 2025), https://www.usatoday.com/story/sports/college/2025/05/06/big-ten-conference-revenue-kevin-warren-bonus/83471735007/ [https://perma.cc/7M9H-QRXE].

90. NCAA, 2024 DIVISION I REVENUE DISTRIBUTION PLAN 2 (2024), https://ncaaorg.s3.amazonaws.com/ncaa/finance/d1/2024D1Fin_RevenueDistributionPlan.pdf [https://perma.cc/W52F-982E].

These distributions revolve around how members of each conference perform in the NCAA's March Madness tournament. To begin this process, the NCAA enters a media rights deal to broadcast the beloved tournament. In 2024, March Madness brought in $873 million for the NCAA.[91] Each school that plays a game in the tournament is awarded a "unit," which is combined with all the other members of their conference and paid out on a rolling six-year basis.[92] This means conferences earned their pay for the 2024 tournament based on their total units from 2018 to 2023.[93] The allotted $226 million in the NCAA's budget is then divided by the total number of units at stake.[94] From there, conferences are compensated. During March Madness in 2024, the ACC received $28.4 million for its 83 units earned in the prior six tournaments.[95] Conferences are encouraged to dole out their money equally,[96] which allows ACC members Boston College and Wake Forest to receive $1.6 million apiece despite not making the tournament.[97] In the 2025 March Madness tournament, 15% of all the competitors were international student-athletes.[98] While these competitors helped their schools earn a trip to the tournament, and the money that comes along with it, they could not legally receive a dime.

2. Direct Revenue Sharing to Student-Athletes

In the aftermath of the *House* settlement, athletic departments can opt into revenue sharing with their student-athletes and redistribute the money they generate from their conferences, the NCAA, and ticket sales to those who generate it. The 2024 College Football Playoff champion, Ohio State,[99] is a premier member of the Big Ten. In their athletic department's financial report for 2024, they recorded $255 million in revenue and $293 million in expenses.[100] Despite the $38 million deficit, Ohio State still generated $58 million in ticket sales, $52 million in donations, and $34 million in licensing deals.[101] These figures, combined with the Big Ten and NCAA distributions, made Ohio State's

91. Tim Parker, *How Much Does the NCAA Make From March Madness?*, INVESTOPEDIA (Mar. 24, 2025), https://www.investopedia.com/articles/investing/031516/how-much-does-ncaa-make-march-madness.asp [https://perma.cc/AB37-U5YC].

92. *See generally* SPORTICO, *One Shining Check – The Value of a March Madness Win* (YouTube, Mar. 21, 2024), https://youtu.be/rTKaBAoSySo?si=sYuXZ3YsjLXfIc4j (on file with the *Journal of Corporation Law*) (analyzing the complex process of distributing monetary units for each March Madness tournament).

93. *Id.* at 1:06–1:35.

94. *Id.* at 2:25–2:45. Due to the COVID-19 pandemic, the 2020 March Madness tournament did not take place. As there are 132 units available per tournament, there are only 660 units up for grabs if 2020 is included in the rolling six-year period.

95. *Id.* at 2:50–3:16.

96. 2024 DIVISION I REVENUE DISTRIBUTION PLAN, *supra* note 90.

97. SPORTICO, *supra* note 92.

98. Corbin McGuire, *March Madness Across the World: NCAA Basketball's Global Impact*, NCAA (Mar. 18, 2025), http://www.ncaa.org/media-center-march-madness-across-the-world-ncaa-basketballs-global-impact/ [https://perma.cc/ZB3C-XXMA].

99. *College Football Championship History*, NCAA (Jan. 19, 2026), https://www.ncaa.com/news/football/article/college-football-national-championship-history [https://perma.cc/3T3A-L4QW].

100. Daniel Libit & Eben Novy-Williams, *Ohio State Athletics Spending Rose to Nearly $300M in FY24*, SPORTICO (Jan. 27, 2025), https://www.sportico.com/leagues/college-sports/2025/ohio-state-athletics-spending-revenue-1234825504/ [https://perma.cc/37BU-9BF2].

101. *Id.*

athletics budget the largest in the nation,[102] until the University of Texas took their throne with a whopping revenue of $332 million in 2024.[103] Texas and Ohio State recently received valuations of $1.48 and $1.35 billion respectively which illustrates how much student-athletes have done to develop these gigantic brands over the years.[104]

In 2010, Ohio State's football team went 12-1 and capped its season off by winning the Sugar Bowl.[105] However, due to five players on the team selling memorabilia and receiving free tattoos, the NCAA scrubbed their season from the record books.[106] While the university made millions based on the accomplishments of these student-athletes, they were punished for receiving a mere $14,000.[107] While strides have been made to compensate some players since then, there is still a long way to go.

Schools can now directly pay $20.5 million to their student-athletes annually, which equates to 22% of an average athletic department's revenue.[108] The $20.5 million can be distributed as each athletic department sees fit, but estimates suggest football will command at least $15.2 million and men's basketball will receive $3.3 million, leaving all other varsity sports to compete for the remaining $2 million.[109] Still, these serve as projections since basketball "bluebloods" like Duke and Kentucky will spend more than 50% of their budget on men's basketball.[110]

When combining this $20.5 million with other NIL payments, teams are spending a fortune to compete every season. In 2026, it is estimated that seven programs have dedicated over $40 million to revamp their college football roster.[111] LSU is allegedly one of the leaders in roster spending following the firing of head coach Brian Kelly, paying out his $54 million buyout, and luring Lane Kiffin with a meager $91 million contract in

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102. *Id.*

103. Michael Ozanian, *CNBC's Official College Sports Valuations 2025: Top 75 Athletic Programs*, CNBC (Sep. 22, 2026), https://www.cnbc.com/2025/12/19/cnbc-official-college-sports-valuations-2025-top-75-athletic-programs.html [https://perma.cc/D26Z-VYAK].

104. *Id.*

105. *Ohio St. Vacates 2010 Football Wins, Sugar Bowl*, CBS NEWS (July 8, 2011), https://www.cbsnews.com/news/ohio-st-vacates-2010-football-wins-sugar-bowl/ [https://perma.cc/7RHC-L6ZD].

106. Mark Schlabach, *NCAA Sends Message to Ohio State*, ESPN (Dec. 20, 2011), https://www.espn.com/college-football/story/_/id/7373708/ncaa-sends-message-sanctions-ohio-state-buckeyes [https://perma.cc/4HN7-DX9Q].

107. *Id.*

108. Shehan Jeyarajah, *How Athletes Will be Paid as July 1 Ushers in New Era for College Sports: NIL Changes, Enforcement, Contracts*, CBS SPORTS (July 1, 2025), https://www.cbssports.com/college-football/news/how-athletes-will-be-paid-as-july-1-ushers-in-new-era-for-college-sports-nil-changes-enforcement-contracts/ [https://perma.cc/VM63-S3RK]. The cap of $20.5 million will increase annually for ten years to compensate for inflation and overall growth.

109. *See* Patrick O'Rourke, *Estimated NCAA Revenue Sharing 2025–26*, NIL–NCAA, https://nil-ncaa.com/ [https://perma.cc/F5W5-S8NN] (archiving NCAA revenue sharing data).

110. *Id.*

111. *See* Chris Hummer & John Talty, *Ranking College Football's Most Expensive Rosters After Polling 50-Plus Industry Insiders*, CBS SPORTS (Aug. 17, 2026), https://www.cbssports.com/college-football/news/college-football-roster-spending-rankings-most-expensive-teams-2026/ [https://perma.cc/2RT4-CQ82] (stating LSU, Miami, Notre Dame, Ohio State, Oregon, Texas, and Texas A&M all will likely spend more than $40 million on their 2026 football rosters, and halfway through the season these teams have a combined record of 35-11).

2025.[112] On average, SEC football teams are spending from $33 to $38 million on their 2026 rosters.[113] In basketball, these themes are echoed to a lesser extent. Reports indicated Kentucky spent $22 million to build their 2025 men's basketball team;[114] however, they finished seventh in the SEC and lost in the second round of March Madness.[115] In the SEC, it just means more. Coaches are projecting these astronomical figures will continue to grow across all sports, but some are still being neglected in this era due to visa constraints.[116]

The NCAA's era of amateurism is dead. This money, supplemented by NIL deals and collectives, should allow some student-athletes to finally be paid what they are worth. However, international student-athletes have been left behind in this student-athlete empowerment movement. This complex issue demands a legislative response, as Congress must provide clarity for the thousands of student-athletes who continue to be overlooked.

III. ANALYSIS

Considering all the hoops the NCAA's international student-athletes must jump through just to participate in the sports they specialize in, there should be an equitable process that enables them to reap the rewards of their sacrifices. There has been legislation attempting to address this obstacle for international student-athletes, but a partisan political system will not lead to results anytime soon.[117] While many Americans are oblivious to the inequity of the NCAA's current system, they might have more of a reaction when considering how this impacts them as well.

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112. Daniel Libit, *LSU's $73M Lane Kiffin Buyout Clause Tops Brian Kelly's $54M*, SPORTICO (Dec. 1, 2025), https://www.sportico.com/leagues/college-sports/2025/lsu-lane-kiffin-buyout-coaching-contract-1234877937/ [https://perma.cc/5QVV-LSRP].

113. Stewart Mandel, David Ubben & Sam Khan Jr, *Does Your College Football Roster Cost $8M or $50M? Here's Our Report on 68 Teams*, ATHLETIC (Sep. 16, 2026), https://www.nytimes.com/athletic/interactive/college-football-nil-spending-budgets/ (on file with the *Journal of Corporation Law*) (highlighting the incredible spending during the 2026 college football season where programs like Texas A&M underperform with $50 million rosters while Iowa vastly overperforms at $21 million).

114. Tyler Thompson, *Sean Miller Estimates 20 to 25 Teams Have Spent $20+ Million on Their Rosters*, ON3: KSR (May 4, 2026), https://www.on3.com/teams/kentucky-wildcats/news/sean-miller-estimates-20-to-25-teams-have-spent-20-million-on-their-rosters/ [https://perma.cc/DV3Z-6NQJ].

115. Gehrig Mickels, *March Madness | Kentucky Ends Season with Second Round Loss in NCAA Tournament*, WHAS11 (Mar. 22, 2026), https://www.whas11.com/article/news/kentucky/march-madness-kentucky-second-round-loss-ncaa-tournament/417-266e3d83-08e2-4a86-b4c6-22c09c8bb896 [https://perma.cc/QN94-X42E]. During March Madness, Kentucky fell to Iowa State whose athletic director, Jamie Pollard, said the men's basketball program received just $5 million of the allowed $20.5 million. Pollard went further by stating "[a]s an institution, I don't know how we're funding it" prior to abruptly announcing his retirement. *Iowa State AD Sounds Off on Current State of NIL, Revenue Sharing*, SPORTS BUS. J. (Dec. 8, 2025), https://www.sportsbusinessjournal.com/Articles/2025/12/08/iowa-state-ad-sounds-off-on-current-state-of-nil-revenue-sharing/ [https://perma.cc/F94N-UHCL].

116. *International College Athletes Remain in Limbo After House v. NCAA Decision: Considerations for International Athletes in Name, Image, and Likeness and Revenue Sharing Opportunities*, ICEMILLER (July 16, 2025), https://www.icemiller.com/thought-leadership/international-college-athletes-remain-in-limbo-after-house-v-ncaa-decision-considerations-for-international-athletes-in-name-image-and-likeness-and-revenue-sharing-opportunities [https://perma.cc/F7ED-J9YA].

117. Lauren L. Keating, *From Amateur Hour to Prime Time: How Athlete Compensation Is Changing the Game*, 51 J. CORP. L. 207, 234 (2025).

A. Implausibility of Current Efforts

1. Climate Surrounding United States Immigration Policies

Outlined in Part II, the Trump Administration's policies have significantly impacted immigration practices in the United States.[118] By allotting nearly $170 billion over the next few years to strengthen ICE and DHS, the Trump Administration has taken significant steps to crack down on all forms of immigration.[119] As a result, the number of international students arriving in the United States saw its largest decline on record in 2025 at a whopping 19%.[120] Some reasons for this sharp decline include delayed visa processing, increased travel bans, F-1 visa revocations,[121] and concerns about safety in the United States.[122] The State Department, led by Marco Rubio, revoked more than 6,000 student visas in 2025 alone; this figure quadrupled the amount of revocations during the prior year.[123] The culmination of these factors led to 73,802 fewer international students joining United States institutions than in 2024.[124]

While status and prestige might help international student-athletes avoid these issues to an extent, they too are at risk of today's volatility. Some international student-athletes have relied on athlete placement agencies to help obtain their required documentation once they have committed to an NCAA member institution.[125] Regardless, coaches and institutions have become anxious that their international student-athletes will miss part of the season due to the long process of obtaining a visa. University of Tennessee at Martin men's basketball coach, Jeremy Shulman, had thirteen international student-athletes on his 2025 roster.[126] Shulman has stated, "[w]e're very concerned if we're going to be able to get these [international student-athletes] even in the country."[127] With the swirling political winds, it can be difficult to determine.

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118. *See supra* Part II.A.1.

119. Altman, Broder & D'Avanzo, *supra* note 21; Sun, *supra* note 26.

120. Aatish Bhatia & Amy Fan, *Nearly 20 Percent Fewer International Students Traveled to the U.S. in August*, N.Y. TIMES (Oct. 6, 2025), https://www.nytimes.com/interactive/2025/10/06/upshot/us-international-student-travel.html [https://perma.cc/K8F8-KQA2].

121. *Id.*

122. Masked ICE agents removing international students from the streets coupled with the killings of Americans Renee Good and Alex Pretti has increased uncertainty in public safety. Lexi Lonas Cochran, *Here Are the International Students and Faculty Known to be Targeted by ICE*, THE HILL (Mar. 27, 2025), https://thehill.com/homenews/education/5217595-international-students-faculty-trump-immigration-crackdown-ice-tufts-student-detained-columbia-alabama/ [https://perma.cc/A84J-WQ6Q]; Matt Lavietes & Alicia Victoria Lozano, *How Daily Life in Minneapolis Has Transformed Since Federal Agents Flooded the Streets*, NBC NEWS (Jan. 28, 2026), https://www.nbcnews.com/news/us-news/minneapolis-transformed-federal-immigration-alex-pretti-renee-good-rcna256032 [https://perma.cc/JL42-PZM3].

123. Jennifer Hansler & Kylie Atwood, *US State Department Has Revoked More Than 6,000 Student Visas, Official Says*, CNN (Aug. 21, 2025), https://www.cnn.com/2025/08/18/politics/us-state-department-revoked-6000-student-visas [https://perma.cc/MB2S-T6YM].

124. Bhatia & Fan, *supra* note 120.

125. Michael Rothstein & Dan Murphy, *Coaches and International Athletes Grapple with U.S. Visa Uncertainties*, ESPN (June 4, 2025), https://www.espn.com/college-sports/story/_/id/45442114/ncaa-athletes-visas-trump-immigration [https://perma.cc/2MM5-V6SR].

126. *2025–26 Men's Basketball Roster*, UTM SPORTS, https://utmsports.com/sports/mens-basketball/roster [https://perma.cc/WG3A-28XQ].

127. Rothstein & Murphy, *supra* note 125.

While President Trump's indecision on the topic leaves room for interpretation, there is no reason to believe he will take a definitive stance on the F-1 visa at any point soon. For instance, on August 26, 2025, President Trump met with South Korea's President Lee Jae Myung and stated the United States would allow 600,000 Chinese students to enter the country.[128] The very next day, the Trump Administration stated they would "curb [F-1] visa abuse" through strict oversight, which sends a dramatically different message than his comments from the day before.[129] Thus, the likelihood that any new visa specifically governing international student-athletes could be established seems dubious.

2. Attempted Political Intervention

Since the legalization of NIL compensation in the NCAA, some politicians have attempted, albeit unsuccessfully, to address the issues facing international student-athletes. Recently, Democratic Senators Richard Blumenthal, Cory Booker, and Maria Cantwell introduced the Student Athlete Fairness and Enforcement (SAFE) Act to help govern NIL in collegiate athletics.[130] In section 601 of the SAFE Act, the senators proposed new language regarding the F-1 visa that would allow an international student-athlete "to enter into an agreement for the commercial use of the [student-athlete's] name, image, or likeness in exchange for compensation."[131] Despite this supportive language, Republican Senator Ted Cruz stated there is a "zero percent" chance the SAFE Act would pass as a result of differing political ideologies.[132]

In response to the SAFE Act, President Trump issued an executive order furthering the SCORE Act which would govern NIL administration going forward.[133] The language of the SCORE Act is far more advantageous for the NCAA and its conferences than student-athletes.[134] Additionally, nothing stated within the SCORE Act would address international student-athletes and the challenges they face. Senator Blumenthal acknowledged both Acts faced steep challenges, emphasizing that any partisan legislation is unlikely to pass the Senate before the 2026 midterm elections,[135] as Republicans hold 53 seats and 60 votes are needed for approval.[136]

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128. Kimmy Yam, *Trump Says the U.S. Would Accept 600,000 Chinese Students, Sparking Uproar Among Some Conservatives*, NBC NEWS (Aug. 26, 2025), https://www.nbcnews.com/news/asian-america/trump-600000-chinese-students-conversative-backlash-rcna227246 [https://perma.cc/7S6H-FX5E].

129. Trump Administration Proposes New Rule, *supra* note 22.

130. Press Release, U.S. Senator Maria Cantwell, U.S. Senator Cory Booker & U.S. Senator Richard Blumenthal, Senators Cantwell, Booker & Blumenthal Introduce Student Athlete Fairness & Enforcement (SAFE) Act (Sep. 29, 2025), https://www.commerce.senate.gov/2025/9/senators-cantwell-booker-blumenthal-introduce-student-athlete-fairness-enforcement-safe-act [https://perma.cc/3ZXE-KN2Y].

131. Student Athlete Fairness and Enforcement Act, S.2932, 119th Cong. (2025).

132. Bruce Siegal, Esq., *SAFE Act vs. SCORE Act: A Federal NIL Legislation Comparison*, GREENSPOON MARDER LLP (Oct. 6, 2025), https://www.gmlaw.com/news/safe-act-vs-score-act-a-federal-nil-legislation-comparison/ [https://perma.cc/TZ8W-NGJV].

133. *Id.*

134. *Id.*

135. John Talty, *Where College Sports Federal Legislation Stands as Democratic Senators Push Back on SCORE Act*, CBS SPORTS (Oct. 22, 2025), https://www.cbssports.com/college-football/news/college-sports-federal-legislation-update-score-act-safe-act/ [https://perma.cc/D8TU-788V].

136. *Party Division*, U.S. SENATE, https://www.senate.gov/history/partydiv.htm [https://perma.cc/97RX-K3FX].

While legislators across the aisle spar over other pressing calamities, there is some hope bipartisan legislation on the topic could prevail.[137] Senators Cantwell and Cruz have come together to champion the bipartisan Protect College Sports Act.[138] These legislators and the NCAA hope this compromise will create much-needed order in collegiate athletics. Highlights of the Protect College Sports Act include an enforceable spending cap, a complete antitrust exemption, limitations on the transfer portal, and protections for Olympic sports.[139] Due to its bipartisan nature, the Act passed through the Senate with a vote of 77–22 indicating there is a possibility this bill makes its way to President Trump's desk.[140] Nevertheless, opposition from conferences, members of the House of Representatives, and November's looming midterms have delayed any further action. For the NCAA, fans, and some institutions, this would be a welcomed change in the NCAA's NIL landscape; however, the SEC, Big Ten, high-earning student-athletes, and others may disagree with these limitations.

Notably, the current version of the Protect College Sports Act is silent on international student-athletes as Senator Cantwell likely sacrificed the issue in order to strike a deal with Senator Cruz. Considering both Democrats and Republicans understand the need for legislation surrounding NIL, there should be an emphasis on addressing the inequity faced by international student-athletes as well.

B. Loss for Student-Athletes and United States Citizens

1. Losses for Student-Athletes

The F-1 visa's objective is to allow students to enter the United States to take advantage of the remarkable educational opportunities the country has to offer. This is emphasized through its language stating that students should use the F-1 visa to "study, not to work."[141] Additionally, the NCAA's mission is to "[p]rovide a world-class athletics and academic experience for student-athletes that fosters lifelong well-being."[142] These two pillars are both undermined by the current NIL system at the expense of international student-athletes and United States citizens.

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137. Siegal, *supra* note 132.

138. Press Release, U.S. Senator Ted Cruz et al., Cruz, Cantwell, Schmitt, Coons Strike Agreement to Save College Sports (May 27, 2026), https://www.commerce.senate.gov/press/rep/release/cruz-cantwell-schmitt-coons-strike-agreement-to-save-college-sports/ [https://perma.cc/62FL-4K9S].

139. Dan Murphy, *Bipartisan College Sports Bill Proposes Salary Cap, Transfer Limit*, ESPN (May 27, 2026), https://www.espn.com/espn/story/_/id/48891780/bipartisan-college-sports-bill-proposes-salary-cap-transfer-limit [https://perma.cc/7TJQ-XSC7].

140. Dominick Mastrangelo, *Senate Passes Protect College Sports Act with Sweeping Bipartisan Vote*, The HILL (Sep. 28, 2026), https://thehill.com/homenews/senate/6115892-senate-passes-protect-college-sports-act/ [https://perma.cc/7X2A-G93G].

141. Dearinger, *supra* note 9.

142. Michelle Brutlag Hosick, *NCAA President Charlie Baker Lays Out Agenda for Growth, Transformation with Focus on Serving Student-athletes*, NCAA (Aug. 2, 2025), https://www.ncaa.org/media-center-ncaa-lays-out-agenda-for-growth-transformation-with-focus-on-serving-student-athletes/ [https://perma.cc/NZ67-G7CM].

a. Loss of Time for Education and Opportunity

Despite the F-1 visa's goal of encouraging education, prohibitions on most NIL compensation seem to do the opposite for international student-athletes. Every year, the Naismith Award recognizes the best men's college basketball player. Since the legalization of NIL in 2021, there have been five Naismith trophies presented—three of them have gone to international players.[143] Oscar Tshiebwe from the Democratic Republic of the Congo and Zach Edey from Canada combined to win three Naismith Awards during their time in the NCAA,[144] but neither could meaningfully capitalize on their value. Since both stars competed in the NCAA while on F-1 visas, they were precluded from receiving NIL for any work-related opportunities. Therefore, compensation received by Tshiebwe or Edey must have been derived through passive income.

While passive NIL income is a debated topic itself, it is traditionally thought to be jersey sales[145] or royalties.[146] The murkiness surrounding passive income can be utilized to benefit these international student-athletes, but the goal should not be operating in the shadows. Illinois men's basketball team in 2025 was composed of seven international players, and they achieved great success by reaching the Final Four.[147] These players seemingly took advantage of the ambiguity around passive income to cash in.[148] Miško Ražnatović served as the agent for four Illinois players and would not respond to questions about utilizing the royalties loophole.[149] In addition to royalties, international student-athletes can bypass visa restrictions by traveling outside of the United States with their teammates to escape the constraints of the F-1 visa.

Tshiebwe and the Kentucky basketball team traveled to the Bahamas for a seven-day trip where they played in four preseason games.[150] During this trip, Tshiebwe scheduled advertisements, appeared in commercials, and signed autographs, which earned him around $500,000.[151] His coach, John Calipari, even worked to organize team activities around Tshiebwe's availability so the star could maximize his earning potential in the

143. *NCAA College Basketball Naismith Men's College Player of the Year Award Winners*, BASKETBALL REFERENCE (2026), https://www.basketball-reference.com/awards/naismith.html [https://perma.cc/SG2C-BUUY].

144. *Id.*

145. Josh Weinfuss, *Purdue's Zach Edey Missing Out on Profits Due to U.S. NIL Law*, ESPN (Apr. 5, 2024), https://www.espn.com/mens-college-basketball/story/_/id/39882011/purdue-zach-edey-missing-profits-due-us-nil-law [https://perma.cc/94MP-J2VA].

146. Dearinger, *supra* note 9.

147. *2025–26 Men's Basketball Roster*, FIGHTING ILLINI SPORTS, https://fightingillini.com/sports/mens-basketball/roster/2025-26 [https://perma.cc/H4JF-QXAY].

148. Amanda Christovich, *Visa Loopholes Enable International College Basketball Player to Cash In*, FRONT OFF. SPORTS (Apr. 4, 2026), https://frontofficesports.com/visa-loopholes-enable-international-college-basketball-players-payments/ [https://perma.cc/2VHD-CKQL].

149. *Id.*

150. Deb Moore, *UK Men's Basketball to Return to the Bahamas for Foreign Trip*, UK ATHLETICS (June 2, 2022), https://ukathletics.com/news/2022/06/02/mens-basketball-uk-mens-basketball-to-return-to-bahamas-for-foreign-trip/ [https://perma.cc/JS4Z-6QDK].

151. Madison Williams, *Kentucky Star Oscar Tshiebwe to Make $500,00[0] in NIL Deals on Weeklong Bahamas Trip, per Report*, SPORTS ILLUSTRATED (Aug. 10, 2022), https://www.si.com/college/2022/08/10/oscar-tshiebwe-bahamas-nil-deals [https://perma.cc/QVG7-VCXC].

Bahamas.[152] Upon his graduation from Kentucky, Tshiebwe went undrafted in the NBA and now is on a two-way contract guaranteeing $91,000 with the Houston Rockets.[153]

Edey too worked around the F-1 visa limitations as he and the Purdue basketball team traveled to Toronto to play against Alabama.[154] Edey commented, "I feel like I'm missing out on a lot of money."[155] During the two-day trip to Canada, Edey engaged in various NIL opportunities while also guiding his team to a win by putting up 35 points.[156] As a two-time Naismith Award winner, 7'3" Edey could have earned significantly more through a minimal visa expansion.

Conversely, Cooper Flagg won the Naismith Award in 2025 and signed an astounding $28 million in NIL deals during just one season at Duke.[157] While Flagg signals the upper limits of what NIL can look like, since he is American, he did not have to drag his teammates away from their studies for an international trip in order to be compensated. As the goal of the F-1 visa is to encourage studies, the current NIL rules are doing the opposite, as teams are traveling outside of the United States during the academic year to ensure their star players can receive what they are worth.

Detractors proffer these international trips can enhance team chemistry, foster relationships, and engage alumni bases going into a season; however, there are many other ways to achieve these objectives. These trips are prevalent in men's basketball as 15% of NCAA Tournament rosters are made up of international student-athletes,[158] but taking an international trip does not equate to team success by any means. Of the teams who advanced to the Elite Eight in March Madness of 2026, only Purdue had taken an international trip during the season.[159] Coincidentally, Purdue's Oscar Cluff and Omer Mayer are both from outside of the United States, meaning they could have taken advantage of their trip to the Bahamas like Tshiebwe and Edey. These games may be viewed under the guise of enhanced competition, but there are cities across the United States that host highly competitive basketball tournaments during the beginning of the season.[160] Even if

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152. *Id.*

153. *Oscar Tshiebwe: Houston Rockets, Power Forward*, SPOTRAC (2026), https://www.spotrac.com/nba/player/_/id/84732/oscar-tshiebwe [https://perma.cc/8NAH-43G8].

154. Scooby Axson, *How Zach Edey, Purdue Men's Hoops Star, is Overcoming Immigration Law to Benefit from NIL*, USA TODAY (Dec. 12, 2023), https://www.usatoday.com/story/sports/ncaab/bigten/2023/12/12/purdue-zach-edey-nil-loophole-immigration-law-rule/71882113007/ [https://perma.cc/YFQ2-Y6Z2].

155. Weinfuss, *supra* note 145.

156. *Id.*

157. Brad Crawford, *Here's How Cooper Flagg Cleared a Staggering $28 Million in NIL Contracts During His One Season at Duke*, CBS SPORTS (May 30, 2025), https://www.cbssports.com/nba/news/heres-how-cooper-flagg-cleared-a-staggering-28-million-in-nil-contracts-during-his-one-season-at-duke/ [https://perma.cc/4DPB-K95U].

158. *The Evolution of Foreign Tours for NCAA Student-Athletes*, GLOB. SPORTS & EVENTS (Sep. 16, 2025), https://globalsande.com/2025/09/16/the-evolution-of-foreign-tours-for-ncaa-student-athletes/ [https://perma.cc/TR5L-F76S].

159. *#1 Purdue Routs #15 Texas Tech for Baha Mar Championship*, PURDUE SPORTS (Nov. 22, 2025), https://purduesports.com/news/2025/11/22/1-purdue-routs-15-texas-tech-for-baha-mar-championship [https://perma.cc/C7W9-9UES].

160. Ben Nuckols, *Cameron Boozer and No. 3 Duke Knock Off No. 1 Michigan 68-63 As Top 2 Teams Lose on Same Day*, ASSOCIATED PRESS (Feb. 21, 2026), https://apnews.com/article/michigan-duke-basketball-score-washington-7ac7fa137ad0703d75c3b56c60807967 [https://perma.cc/8UVQ-E48R] (reporting that in 2026, #3 Duke defeated #1 Michigan in Washington D.C. during late February); Alex Martin, *Michigan State Remains*

a team would like to experience a tropical climate and work on team building to start the year, the revered Maui Invitational provides a great domestic option. While it might be positive for team building, there are no concrete benefits to these trips that take student-athletes away from campus during already onerous seasons.

The NCAA's mission is to ensure its student-athletes' "lifelong well-being,"[161] but constricting their earning potential during the prime of their careers does exactly the opposite. While Tshiebwe earned $500,000 in one week when NIL opportunities were available to him,[162] he likely left significant money on the table. This is notable considering he is guaranteed to make just 18.2% of that figure today despite playing professionally. Limiting the earnings of these international student-athletes not only hurts them but also unknowing United States citizens.

2. Losses for the United States Economy and Citizens

By restricting NIL compensation for international student-athletes, the United States and its citizens are also losing out on the positive contributions that international students bring to the table and the funds they generate for the United States economy.

a. Economic and Entertainment Disruptions

As international students begin to pursue education outside of the United States, signaled by a 19% decrease in international student arrivals in August of 2024,[163] there may be adverse effects on the United States economy. During the 2023 academic year alone, international students contributed $43.8 billion and over 375,000 jobs to the United States economy.[164] This figure is likely to fall due to visa restrictions and concerns surrounding ICE.

For international student-athletes specifically, the ability to bypass the NCAA to play abroad could become increasingly common. Prior to the NIL era, some American basketball players decided to play overseas to receive compensation.[165] Further, the "single

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Perfect After Decisive Win Over North Carolina, NAPLES DAILY NEWS (Nov. 27, 2025), https://www.naplesnews.com/story/sports/college/2025/11/27/michigan-state-defeats-north-carolina-at-fort-myers-tip-off-to-stay-unbeaten/87454486007/ (on file with the *Journal of Corporation Law*) (reporting that bluebloods Michigan State played North Carolina in Fort Myers, Florida in November); Rob Polansky, Quinn Pramberger & Joe Zone, *No. 5 UConn Defeats Defending Champs Florida 77–73*, WFSB EYEWITNESS NEWS (Dec. 10, 2025), https://www.wfsb.com/2025/12/09/no-5-uconn-heads-storrs-south-rematch-with-defending-champs/ [https://perma.cc/GX2K-NJ4B] (reporting that the two most recent national champions at the time, Florida and UConn, played in New York City during December. All showcasing these international trips do not provide better competition than available domestically).

161. Hosick, *supra* note 142.

162. Williams, *supra* note 151.

163. Bhatia & Fan, *supra* note 120.

164. *International Students Contribute Record-Breaking Level of Spending and 378,000 Jobs to the U.S. Economy*, NAFSA (Nov. 18, 2024) [hereinafter *International Students Contribute Record*], https://www.nafsa.org/about/about-nafsa/international-students-contribute-record-breaking-level-spending-and-378000-jobs [https://perma.cc/48EA-M9CT].

165. *See* Scott Gleeson, *LaMelo Ball Doesn't Regret Unorthodox Path to NBA: 'School's Not Your Priority'*, USA TODAY (Aug. 17, 2021), https://www.usatoday.com/story/sports/nba/hornets/2021/08/17/lamelo-ball-hornets-no-regrets-school/8164695002/ [https://perma.cc/ABR3-UNBK] (explaining that LaMelo Ball decided to de-commit from UCLA to play in Lithuania and Australia, where he could obtain compensation).

greatest prospect in NBA history,"[166] Victor Wembanyama, opted to play professionally in France instead of joining the NCAA. As Wembanyama's NIL earnings would have been limited due to F-1 visa constraints, he chose to remain at home where he could be compensated while preparing for the NBA. With his global status, Wembanyama's participation in the NCAA would have been rousing for fans, the universities he competed against, and the United States economy.[167] Despite the shine that comes along with playing in March Madness, high-class athletes may continue to avoid the NCAA as a result of the restrictive F-1 visa and NIL policy language.

b. Tax Implications of NIL

On top of this, as international student-athletes look to receive NIL payment while on their F-1 visas, the United States surrenders notable tax revenues. The United States Tax Code states "gross income means all income from whatever source derived."[168] While those like Tshiebwe and Edey leave the United States to generate NIL income, there is tax money being left on the table for the United States, which could go to fund any of the various needs domestically.

To illustrate how lucrative this could be, Duke's Cooper Flagg, discussed above as signing $28 million in NIL deals, was presumably taxed at a 37% tax rate on all income exceeding $626,350, which would create over $10 million in federal income taxes alone.[169] Considering the jock, state income, and self-employment taxes on top of this, the amounts at stake are hardly insignificant.[170] Passive income from international student-athletes is subject to taxation, but the United States could avail itself further by allowing, and taxing, international student-athletes on NIL income.

As the world of NIL continues to grow, more money will be available for all—except international student-athletes. Therefore, until the F-1 visa is amended, student-athletes will have even less time to focus on their studies due to international "NIL vacations," and the United States will risk losing both star athletes and tax dollars. President Trump recently remarked, "you also do have to bring in talent," when discussing the importance of visa holders to the United States.[171] There is ample evidence to say these international

166. Adam Zagoria, *18-Year-Old Frenchman Victor Wembanyama Being Hailed as the 'Single Greatest Prospect in NBA History'*, FORBES (Oct. 6, 2022), https://www.forbes.com/sites/adamzagoria/2022/10/06/18-year-old-frenchman-victor-wembanyama-being-hailed-as-the-single-greatest-prospect-in-nba-history/ (on file with the *Journal of Corporate Law*).

167. In the wake of Renee Good and Alex Pretti's deaths, Wembanyama voiced his concerns about being a foreigner living in the United States. Despite warnings from the San Antonio Spurs public relations staff, he stated, "[e]very day I wake up and see the news, and I'm horrified. I think it's crazy that some people might make it seem like or make it sound like the murder of civilians is acceptable." Michael C. Wright, *Spurs' Victor Wembanyama 'Horrified' by Minnesota Shootings*, ESPN (Jan. 27, 2026), https://www.espn.com/nba/story/_/id/47747959/spurs-victor-wembanyama-horrified-minnesota-shootings [https://perma.cc/8BUC-ND98].

168. I.R.C. § 61(a).

169. Nathan Goldman, *3 Important Tax Considerations Following the House vs. NCAA Ruling*, FORBES (June 10, 2025), https://www.forbes.com/sites/nathangoldman/2025/06/09/3-important-tax-considerations-following-house-versus-ncaa-ruling/ (on file with the *Journal of Corporation Law*).

170. *Id.*

171. *See* Donald Judd, *Trump Says United States Doesn't Have People With 'Certain Talents' to Fill Jobs Domestically*, CNN (Nov. 12, 2025), https://www.cnn.com/2025/11/11/politics/trump-domestic-talent-jobs-h1b-

student-athletes have immense talents which should be appreciated and accepted. By addressing the current inequities of the F-1 visa, international student-athletes and the American public would benefit.

IV. RECOMMENDATION

For international student-athletes participating in the NCAA to fully reap the fruits of their labor, it is prudent to amend an existing visa to accommodate them. Considering the significant impact international students have on the United States through their contributions to the economy, job market, and entertainment industry, it would be advantageous to add a clause to the F-1 visa enabling compensation for these student-athletes.

As discussed in Part III, section 601 of the SAFE Act attempted to remedy this exact issue prior to the bill being abandoned. While there are mixed signals on whether the Protect College Sports Act will eventually be signed into law, international student-athletes currently remain unaddressed. Based on the immense economic impact of international students,[172] potential tax revenues generated from NIL,[173] and President Trump's remarks about the importance of certain visa holders,[174] it appears this topic is one that could be included in an eventual bill.

A. Equitable Paths Forward

1. Amending the F-1 Visa

As international student-athletes search for an equitable remedy, the most feasible approach given today's polarizing climate surrounding immigration seems to be through minor amendments to the F-1 visa. Like section 601 of the SAFE Act, it would be advantageous to add a clause to the F-1 visa language enabling student-athletes to be compensated for their NIL or similar endeavors.

Addressing these four brief topics and including them in an existing legal authority would immediately create clarity for all student-athletes.[175] If the Protect College Sports Act is adopted without discussing these parties, Congress could indicate its interest in separating collegiate athletics and international student-athletes; however, there are plenty of places where this minor amendment could be implemented. By first outlining that international student-athletes should be allowed to participate in commercial opportunities regarding their NIL, explaining that they can also partake in direct revenue sharing, then providing requirements to ensure these students are subject to taxation, and finally prioritizing education, this issue can be resolved. Taking inspiration from the SAFE, SCORE, and Protect College Sports Acts, as well as considering the austere immigration

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visas [https://perma.cc/7N36-LR9B] (remarking on importance of visa holders while highlighting the H-1B visa specifically).

172. *International Students Contribute Record*, *supra* note 164.

173. Goldman, *supra* note 169.

174. Judd, *supra* note 171.

175. This new language could be implemented in various places to achieve the desired result. Adding this text to a location like 8 U.S.C. § 1101(a)(15)(F) would enable the change without impacting the Protect College Sports Act.

governance under the Trump Administration, legislators should find these minor amendments signify a middle ground that would put an end to this inequity.

a. Section A: Allowing NIL

Section A should statutorily authorize F-1 visa holders to receive NIL compensation. This would put international and domestic student-athletes on a level playing field in terms of compensation. The ability to receive NIL, in the form of money, benefits, services, and the like, addresses this major concern. Enabling more than 25,000 international student-athletes to receive compensation they might generate through their NIL is a massive step in the right direction.[176] Whether this compensation is from endorsements with a brand, signing autographs, posting advertisements on their social media, or hosting a youth camp, it would open the door for all student-athletes to take advantage of the extraordinary skills they have developed.

b. Section B: Direct Revenue Sharing

Section B should sanction F-1 visa holders to partake in an institution's revenue sharing program. Doing so would remove any doubts surrounding direct payments from an institution's athletic department. As each athletic department can now opt in and allocate up to $20.5 million to their student-athletes,[177] those on F-1 visas could now certainly receive this funding. Student-athletes participating in non-revenue sports, or any non-superstar, should find this funding particularly helpful. For a smaller sport in the NCAA like tennis, projections indicate these student-athletes will earn approximately $1,900 through their institution's revenue sharing.[178] This is significant as more than 60% of NCAA Division I tennis players utilize the F-1 visa.[179] Considering other NIL deals might be hard to come by, enabling compensation directly from a student-athlete's athletic department should also be included in these amendments.

c. Section C: Ensuring Structure and Taxation

Section C should require those capitalizing on NIL or revenue sharing to be subject to the United States tax system. Covering this would alleviate any concerns that student-athlete compensation could go unnoticed or untaxed. The IRS has clarified that all income from NIL activities should qualify as gross income that is considered taxable.[180] To ensure this income does not go unrealized, it is prudent to require an institution's designated school official (DSO) to assist with the process. DHS makes it evident that any international student planning on working in the United States must communicate with their school's DSO as a touchpoint who ensures all compensation and work occurs

176. Rothstein & Murphy, *supra* note 125.

177. Jeyarajah, *supra* note 108.

178. O'Rourke, *supra* note 109.

179. David Hale & Dan Murphy, *International Student-Athletes Face an NIL Conundrum, and No One Seems to Have an Answer*, ESPN (June 9, 2021), https://www.espn.com/college-sports/story/_/id/31575978/international-student-athletes-face-nil-conundrum-seems-answer [https://perma.cc/2GEF-XGZ5].

180. *Name, Image and Likeness (NIL) Income*, IRS (Aug. 14, 2026), https://www.irs.gov/businesses/small-businesses-self-employed/name-image-and-likeness-income [https://perma.cc/N9MA-ALN3].

legally.[181] The DSO, or a member of an institution's athletic department, could help these student-athletes apply for a Social Security number since a taxpayer identification number is required for those in the workforce,[182] and conform with any additional employment requirements. This would ensure nobody slips through the cracks. Ensuring all participants in NIL and revenue sharing are subject to taxation would immensely benefit both the student-athletes who could not previously participate and the United States economy.

d. Section D: Focusing on Education

Finally, Section D should mandate continued enrollment as a condition to receive compensation. This would support the ideals of the F-1 visa by guaranteeing compensation is secondary to being a student. This could be accomplished in many ways that would satisfy both parties signing the bill. Generally, this might state that any compensation shall be halted for a student-athlete who unenrolls without immediate plans to transfer to another institution, and their institution's DSO must report the incident to SEVIS. Adding this section would align with the steps taken by the Trump Administration to ensure students remain in the United States only for the duration of their studies.[183]

Customary to all political workings, resistance is inevitable. People are hesitant to change, and amendments to the F-1 visa could be interpreted negatively. Some might disapprove of expanding the F-1 visa, enabling uncapped compensation, or creating overlap with other types of visas, such as the O-1. Simply, international student-athletes are being taken advantage of, and it is negatively impacting the American people. All citizens should support increased tax revenues to develop their communities—especially when the funds do not come from their pockets. By minimally expanding the F-1 visa, the United States should be able to accrue more tax revenues and create a level playing field for NCAA student-athletes without sacrificing anyone's freedom or safety. Ensuring NIL payments benefit the broader United States economy, instead of those dealing under the table, should persuade many cynics. The visa system is robust and stringent in order to ensure successful assimilation, and these changes should not disrupt the status quo within visas or immigration processes.[184] Even those who staunchly oppose visas should admit these tweaks would not negatively impact their day-to-day lives, as they would likely benefit from more tax revenues and compelling NCAA entertainment. These four sections should provide a minimally invasive, bipartisan resolution to finally address NIL compensation for international student-athletes.

2. Alternative Visa Amendments

Outside of reworking the F-1 visa, there might be opportunities to change the P-1A or O-1 visas to accommodate international student-athletes. As outlined in Part II, the P-1A visa is traditionally used by famous athletes, like Ohtani, competing in the highest-level leagues the United States has to offer. To qualify as a P-1A recipient under the statutory

181. *Working in the United States*, *supra* note 36.

182. *U.S. Taxpayer Identification Number Requirement*, IRS (Feb. 2025), https://www.irs.gov/individuals/international-taxpayers/us-taxpayer-identification-number-requirement [https://perma.cc/M8NL-WVD3].

183. Trump Administration Proposes New Rule, *supra* note 22.

184. *See supra* Part II.A.2.

definition of "athlete," one must have "an internationally recognized reputation as an international athlete."[185] While this may apply to some student-athletes, like Marchand, it would be impractical to think this label applies to all 25,000 of the NCAA's international student-athletes.[186] Another large obstacle to amending the P-1A visa is the lack of any language relating to being a student or attending an institution in the United States.

Alternatively, the O-1 visa allows individuals with "extraordinary ability" to enter the United States.[187] To qualify as having an extraordinary ability in athletics, the recipient must have "a level of expertise indicating that the person is one of the small percentage who have risen to the very top of the field of endeavor."[188] Again, considering certain NCAA athletes are some of the world's best within their respective sports, like Åberg, a potential clause could be added to allow student-athletes to qualify as "extraordinary." However, concerns about amending the three-year length of stay,[189] as well as adding language about student-athletes and academic institutions, make it seem prudent to focus on enhancing the F-1 visa instead. Despite the potential avenues to reform the P-1A and O-1 visas, amending the F-1 visa appears to be the most realistic and practical solution, given its current structure.

V. CONCLUSION

For the betterment of all student-athletes, the United States, and NCAA, there must be adequate steps taken to ensure premier athletes continue to compete in the NCAA. In 2024 alone, nearly 25,000 NCAA international student-athletes utilized F-1 visas to obtain their education from prestigious American institutions while competing at the highest level.[190] Since these international student-athletes contribute significantly to the United States economy, there must be measures to ensure they are compensated equitably and do not forgo the NCAA's high-quality competition countless Americans enjoy.

The F-1 visa provides incredible opportunities for thousands of international students. Despite today's hostile climate, the United States was built from the contributions and cohesion of people from all backgrounds. Adding four simple sections could ensure these student-athletes can fulfill the ideals of the "American Dream" by working hard and capitalizing on their efforts. To ensure the United States continues to reap the rewards of the diversity this nation was built upon, it would be shrewd to amend the F-1 visa to accommodate international student-athletes so that they can realize the immense benefits of the American market.

Compensating international student-athletes for their worth will ensure that Americans will be able to watch the development of the next generations of Olympic gold medalists, Ryder Cup champions, Naismith Award winners, and so much more. This amendment will enable student-athletes of all backgrounds to finally earn their fair market value once and for all.

185. 8 C.F.R. § 214.2(p)(4)(ii)(A).
186. Rothstein & Murphy, *supra* note 125.
187. *O-1 Visa*, *supra* note 47.
188. 8 C.F.R. § 214.2(o)(3)(ii).
189. *O-1 Visa*, *supra* note 47.
190. Rothstein & Murphy, *supra* note 125.