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Date: 3/22/2023

To
The Secretary Alejandro Mayorkas
Secretary of Homeland Security
2703 Martin Luther King Jr. Ave.,
SE, Washington, DC 20593

The Director Ms. Ur Mendoza Jaddou,
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20588

Dear Secretary Mayorkas, Director Jaddou,

Attn. Chief of staff, USCIS Felicia Escobar Carrillo

Subject: Urgency on extending H1B grace period to retain laid off STEM / high-tech professionals

In continuation of our earlier communications requesting extension of grace period for laid off H1B tech professionals to avoid the humanitarian impact on the professionals and negative impact on the US competitive edge in technology against rising global competition, we write this letter to bring the time urgency on this matter.

As you are very well aware, the massive layoffs in the tech industry since Oct 2022 have crossed 250,000+ according to <http://layoffstracker.com>. This number is growing as last week both Meta and Amazon announced 10k and 9K more layoffs, triggering a second wave of layoffs, we anticipate.

FIIDS surveyed tech executives and venture capitalists in the Silicon Valley who expressed the impact on competitive emerging technologies. "Immigrants are the soul of this nation. Losing them can create a long-term impact in terms of many of these H1B visa holders today, creating companies and thousands of jobs in the future" said serial entrepreneur and startup investor, BV Jagdeesh. "Given the scale of layoffs, it is the least that should be done. The US should not lose the services of this talented bunch of professionals.", added Venk Shukla from Monta Vista Capital and former chair of TIE Global.

FIIDS also raised this issue with elected officials like the house of representatives. The house of representatives, Zoe Lofgren and Anna Eshoo in their letter to USCIS, called out that the departure of STEM professionals from the US is also a national security threat. The house of representatives, Raja Krishnamoorti, Ro Khanna and Shri Thanedar also expressed their support for the extension. In his meeting on 13th March with Indian American community leaders, the Senate majority leader Chuck Schumer also extended his support to address the issue.

FIIDS discussed with various prominent organizations, including the US India Strategic Partnership Forum (USISPF), US India Business Council (USIBC), American Jewish Committee (AJC), TIE (The Indus Entrepreneurs) South California, and the American Association of Physicians of Indian Origin (AAPIO) who also supported to extend the grace period.

We would also like to bring to your attention the "White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders" (WHIAANHPI) also recently extended their support for this extension.

We thank the USCIS for publishing options for them to perform within the 60-day grace period. However, the macro-economic conditions caused an industry-wide hiring slowdown that is making it difficult for them to find another employer and complete the paperwork within the current 60 days.

We request the USCIS to urgently extend the grace period to 180 days or more through administrative action empowered to the USCIS by Immigration and Nationality Act. Please consider this matter with urgency, as time is running out for the laid off professionals. We have also submitted a list of ~2600 supporters who signed our petition for the change.

Given the many benefits of retaining immigrant talent for our workforce, we are confident that this extension can be implemented with minimal impact on current law, policies, and procedures. We will be available any time to discuss this topic and provide additional context and information if required. Thank you for your consideration and we look forward to hearing from your office.

The Foundation for India and Indian Diaspora Studies (FIIDS <http://fiids-usa.org>) is the US-based institute for US-India policy studies and awareness.

Respectfully,

Khanderao Kand

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USCIS post-termination options:

<https://www.uscis.gov/working-in-the-united-states/information-for-employers-and-employees/options-for-nonimmigrant-workers-following-termination-of-employment>

House Representatives Anna Eshoo and Zoe Lofgren

<https://eshoo.house.gov/media/press-releases/eshoo-lofgren-advocate-immigrant-workers-risk-losing-visas-following-tech>

Congressman Ro Khanna on the issue

<https://www.hindustantimes.com/cities/delhi-news/us-lawmaker-seeks-support-for-indians-hit-by-tech-layoffs-101674587568621.html>

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Camp Springs, MD 20588-0009



U.S. Citizenship
and Immigration
Services

April 18, 2023

Khanderao Kand
Director of Policy Analysis and Strategy
Foundation for India and Indian Diaspora Studies USA
khanderao@fiids-usa.org

Dear Mr. Kand:

Thank you for your March 22, 2023 letter to the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) regarding the urgency of your request to increase the up to 60-day grace period. Secretary Mayorkas asked that I respond on his behalf.

USCIS appreciates the concerns you outlined in your February 27, 2023, and March 22, 2023 letters. In our March 27, 2023 response to your February 27, 2023 letter, we noted the up to 60-day grace period is codified in DHS regulations at 8 CFR 214.1(i)(2), and any increase to the length of the grace period would require a regulatory change through rulemaking in compliance with the Administrative Procedure Act (APA), a lengthy process that regularly takes more than a year to complete, well beyond the timeframe needed to address the current situation.

Given the lengthy rule making process, we have clarified guidance to ensure the public understands and is aware of their options under current regulation. As explained in our earlier response and further detailed on our website, nonimmigrants who are impacted by involuntary terminations have several options for remaining in the United States, so that they may continue their job search beyond the grace period. If one of the described actions occurs within the up to 60-day grace period, the nonimmigrant's period of authorized stay in the United States can exceed 60 days.

Thank you again for your letter and continued interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ur M. Jaddou" followed by a long horizontal flourish.

Ur M. Jaddou
Director