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Congress of the United States
House of Representatives
Washington, DC 20515

SELECT COMMITTEE ON THE STRATEGIC
COMPETITION BETWEEN THE UNITED STATES
& CHINESE COMMUNIST PARTY:
RANKING MEMBER

COMMITTEE ON OVERSIGHT & ACCOUNTABILITY

SUBCOMMITTEE:
ECONOMIC GROWTH, ENERGY POLICY,
& REGULATORY AFFAIRS

PERMANENT SELECT COMMITTEE ON
INTELLIGENCE

SUBCOMMITTEE:
THE CENTRAL INTELLIGENCE AGENCY

March 17, 2023

RECEIVED
By ESEC at 9:36 am, Mar 20, 2023

Secretary Alejandro Mayorkas
Department of Homeland Security
Washington, DC 20528

Director Ur M. Jaddou
Director, U.S. Citizenship and Immigration Services
Camp Springs, MD 20588

Dear Secretary Mayorkas and Director Jaddou:

I am writing on behalf of the more than 60,000¹ highly skilled employment-based visa holders who have been recently laid off from the workforce, predominantly in Science, Technology, Engineering, and Mathematics (STEM) occupations. Historically, these workers have contributed to America's competitiveness and significantly contributed socially and economically to my district, the State of Illinois, and the United States. However, under current law, these workers only have 60 days to find a new employer to sponsor their visa upon layoff, and those who are unable to find a sponsoring employer within that timeframe must leave the country. I continue to hear from concerned workers and employers in the Greater Chicago Area that this 60-day grace period is often too short of a time frame for these individuals to secure employment and maintain visa status, and for employers to identify, recruit, and hire these individuals. **Therefore, I respectfully request that you take administrative action to extend the grace period to at least 120 days for employment-based visas, including the E, H, L, O, and TN visa categories, including their family members holding derivative visas.** I am confident this administrative change will benefit the U.S. workforce across critical industries during a time when we must recruit and retain top talent to maintain competitiveness in the global economy.

Since October 2022, more than 250,000 technology workers have been laid off in the US, with approximately 91,000 industry job losses in January 2023.² Foreign-born workers comprise nearly a quarter of the technology industry workforce and many of these newly unemployed workers are on H-1B or other employment-based visas. Many of these individuals have highly specialized skills and advanced STEM degrees from top U.S. universities. If allowed to stay in the U.S. for an additional 60 days, they are more likely to rejoin the workforce and develop innovative products and potentially start new businesses and create new jobs while advancing research across critical industries. In addition, many of these individuals have been in the U.S. for decades and have U.S.-born children with deep roots in their communities.

The *Immigration and Nationality Act*³ empowers U.S. Citizenship and Immigration Services (USCIS) to modify the duration of the grace period through administrative action. Given the many benefits of retaining immigrant talent for our workforce and national security, I respectfully request that you take administrative action to extend the grace period to at least 120 days for employment-based visas, including the E, H, L, O, and TN visa categories. I am confident that this extension can be implemented with minimal impact to current law, policies, and procedures and in a manner that takes into account the privileges and obligations of all visa holders affected.

Thank you for your consideration. Please provide your response via email to my Legislative Assistant, Aaron Campos, at aaron.campos@mail.house.gov.

Sincerely,



Raja Krishnamoorthi
Member of Congress

¹ *What the US Tech Layoffs Mean for India* (“[B]etween 60,000 to 80,000 people were Indian IT professionals”), The Diplomat, Feb. 15, 2023, <https://thediplomat.com/2023/02/what-the-us-tech-layoffs-mean-for-india/>

² *Latest Layoffs*, Layoff Tracker, <http://layoffstracker.com>.

³ 8 U.S.C. § 12

[ELECTRONIC TRANSMISSION]



U.S. Citizenship
and Immigration
Services

April 18, 2023

The Honorable Raja Krishnamoorthi
U.S. House of Representatives
Washington, DC 20515

Dear Representative Krishnamoorthi:

Thank you for your March 17, 2023 letter to the U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) regarding the impacts of recent Science, Technology, Engineering, and Math (STEM) sector layoffs and requesting an increase to the up to 60-day grace period available to certain nonimmigrant workers (and their dependents) who were laid off. Secretary Mayorkas asked that I respond on his behalf.

USCIS understands the value of retaining talented workers to support U.S. economic competitiveness and recognizes the financial and emotional impact job loss can have on nonimmigrant workers and their families. We continue to monitor STEM sector layoffs and explore appropriate measures.

Because the up to 60-day grace period for certain laid-off nonimmigrant workers is codified in DHS regulations, increasing that grace period requires a regulatory change through rulemaking in compliance with the Administrative Procedure Act.¹ Fortunately, most individuals facing job loss have several options, which may allow them to remain in the United States past the up to 60-day grace period while continuing their job search.

USCIS recently updated our website to provide additional information for nonimmigrant workers about their options following termination of employment and to address a common misconception about this issue.² We would truly appreciate your assistance to share this information with those affected by job loss, especially the following key points (quoting from the website; emphasis added):

When nonimmigrant workers are laid off, they may not be aware of their options and may, in some instances, wrongly assume that they have no option but to leave the country within 60 days.

¹ See 8 CFR 214.1(1)(2).

² See DHS, USCIS, *Options for Nonimmigrant Workers Following Termination of Employment* (last reviewed/updated Mar. 10, 2023), <https://www.uscis.gov/working-in-the-united-states/information-for-employers-and-employees/options-for-nonimmigrant-workers-following-termination-of-employment>.

When a nonimmigrant worker's employment is terminated, either voluntarily or involuntarily, they typically may take one of the following actions, if eligible, to remain in a period of authorized stay in the United States:

- *File an application for a change of nonimmigrant status;*
- *File an application for adjustment of status;*
- *File an application for a "compelling circumstances" employment authorization document; or*
- *Be the beneficiary of a nonfrivolous petition to change employer.*

If one of these 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, even if they lose their previous nonimmigrant status. If the worker takes no action within the grace period, they and their dependents may then need to depart the United States within 60 days, or when their authorized validity period ends, whichever is shorter.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director