November 23, 2020

Ms. Samantha Deshommes, Chief
Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529–2140

Re: DHS Docket No. USCIS-2020-0018

Dear Chief Deshommes:

The National Postdoctoral Association (NPA) is a nonprofit membership organization representing thousands of postdoctoral scholars and 215 research institutions in academia and industry across the United States. Founded in 2003, the mission of the NPA is to improve the postdoctoral experience by supporting a culture of enhanced professional growth. At the individual, organizational, and national levels, we facilitate connections, raise awareness, and collaborate with stakeholders in the postdoctoral community.

On behalf of the NPA, I submit this comment letter in response to the U.S. Department of Homeland Security (DHS) (Docket Number USCIS-2010-0018) interim final rule, “Strengthening the H-1B Nonimmigrant Visa Classification Program.” We request that the rule be withdrawn in its entirety.

International postdoctoral scholars contribute immensely to our campuses, communities, and country. Postdoctoral scholars are highly-educated, highly-skilled members of local and national communities that drive innovation and economic development benefiting the U.S. as leaders in early-stage research across dozens of disciplines. At any given time, there are an estimated 80,000 postdoctoral scholars leading innovative, early-stage research across the nation.

Providing a national voice and seeking positive change for postdoctoral scholars
www.nationalpostdoc.org
NPA estimates more than 5,000 postdoctoral scholars in the U.S. maintain H-1B visas. The interim final rule (IFR) jeopardizes the continued success of these and future postdoctoral scholars utilizing H-1B visas, as well as their research.

Today, scholars working on H-1B visas typically are granted an initial period of stay of 3 years on an H-1B visa. The IFR targets H-1B workers employed at third-party job sites by restricting the maximum validity period of their visa status to only one year. This could negatively impact postdoctoral fellows placed, for instance, in teaching hospitals or at sites, including US government contractors, where they are undertaking work with peers on collaborative research projects that extend beyond one year.

The IFR also attempts to rewrite multiple definitions, including “specialty occupation,” in a manner that hinders the ability of postdoctoral scholars to qualify for critically-needed research positions. By altering the definitions around specialty occupations, the IFR eliminates the flexibility needed to allow the great variety of disciplines and areas of study of postdoctoral scholars, such as engineering, to meet the broad and changing needs of the academic and scientific community. Research institutions often seek postdoctoral scholars for roles that may be met through a wide array of qualifications and backgrounds. Unnecessarily tightening restrictions will damage the capabilities of research institutions, while preventing postdoctoral scholars from achieving valuable research breakthroughs, as they continue to apply their scientific research knowledge and expertise in the U.S.

The NPA believes this IFR will harm both postdoctoral researchers who contribute greatly to our nation’s competitiveness, while hamstringing research institutions, including U.S. colleges and universities. It will result in postdoctoral scholars choosing other nations, including competitors, to conduct their critical work, leaving our country significantly disadvantaged.

On behalf of our members, thank you for considering these comments and recognizing our high level of concern raised by the IFR.

Thomas P. Kimbis, Esq.
Executive Director & Chief Executive Officer