May 17, 2021

Ms. Tracy L. Renaud  
Senior Official Performing the Duties of the Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Ave., NW  
Washington, DC 20529–2140

Re: DHS Docket No. USCIS-2021-0004-0001

Dear Ms. Renaud:

The National Postdoctoral Association (NPA) is a nonprofit membership organization representing the interests of more than 70,000 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 inclusive connection. At the individual, organizational, and national levels, we facilitate enhanced professional growth, raise awareness, and collaborate with stakeholders in the postdoctoral community.

On behalf of the NPA and in the interest of its members, I submit this comment letter in response to the U.S. Department of Homeland Security’s Request for Public Comment (DHS) (Docket Number USCIS-2021-0004-0001) regarding “Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services; Request for Public Input.” We thank you for the opportunity to comment and do so below.

First, we must do all we can to ensure that the United States is open for business for the best and brightest scholars from across the world looking to undertake higher education and postdoctoral positions. International postdoctoral scholars contribute immensely to our campuses, communities, and country. According to NPA internal data, fifty-seven percent (57%) of postdoctoral scholars are international. Studies show that diverse teams, like the ones
enriched with international scholars, produce more innovative, creative and effective results, such as research teams enriched with international postdoctoral scholars.

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 70,000 postdoctoral scholars leading innovative, early-stage research across the nation. The USCIS must ensure, for the sake of innovation and research in the U.S., that it maintains a strong flow of talent into the nation by avoiding the creation of unnecessary administrative barriers to lawful immigration.

Second, we request that the USCIS work in a more diligent manner to fill their internal positions left unfilled or otherwise disempowered by the prior administration. Without being able to fully quantify how the agency was run internally, the NPA nevertheless saw a strong slowdown in the administrative processing of paperwork for postdoctoral scholars seeking to commence or return to their positions in the U.S. We understand that any additions to the budget of the agency (above that provided by user fees) is in the hands of Congress and support full funding for the needs of USCIS, we nevertheless ask that the agency act with all speed to establish its internal processes and fill positions to return to full capacity.

Third, we request that postdoctoral scholars who are applying for permanent residence and conducting work in areas of importance to the nation, to be able to apply for premium processing under a I-140 National Interest Waiver. Given that one of the largest specific problems facing postdoctoral scholars in their US immigration matters is the excess (and inconsistent) waiting times for the adjudication of applications, expansion of premium processing to this visa category would benefit those applicants working to advance fields of national interest, which in turn would benefit both the U.S. economy and national security.

Fourth, we request that the USCIS work to reduce the time for processing and issuance of receipt notices for postdoctoral scholars. This seemingly small task can create major issues for researchers eager to begin or continue their work. We have noticed especially significant delays in many receipt notices relative to renewal of work and travel authorizations and request that USCIS move to remedy this. This issue has been especially problematic for the ability of certain individuals to continue their employment under the “automatic extension” (including but not limited to C09) pursuant to the January 2017 policy found here.

Fifth, we request a change to the H-1B visa policy in regards to expanding the definition and/or criteria as to which H-1B visas qualify for an exemption to the cap. The current “cap exemptions” make it difficult for scholars holding an H-1B visa in academia (and/or those utilizing their optional practical training, or OPT) to be able to move from a research position in academia to one in industry. These restrictions are highly inefficient for our economy, and deter some of the brightest foreign researchers from applying their research expertise in a manner more conducive to areas of the U.S. national interest. This policy could easily be made less

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restrictive by USCIS by allowing an exemption to the H-1B cap for areas of critical interest to the U.S., such as but not limited to bench research in the life sciences (in an industry capacity) as exemplified by the COVID-19 pandemic. Such individuals could be made eligible for an exemption to the H-1B cap which would enable U.S. companies to harness their research abilities to advance critical, ongoing research initiatives. While we understand that there are administrative issues associated with this last request, we note that there would be significant health and economic benefits associated with enabling U.S. research industry to harness this pool of talents and therefore ask the USCIS to strongly consider how to find a solution in this regard.

On behalf of our thousands of members across the nation, thank you for considering these comments. I am available to meet to discuss any of these matters further.

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

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