

**RECEIVED**

By ESEC at 12:08 pm, Mar 08, 2023



To

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

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

Dear Secretary Mayorkas and Director Jaddou,

CC: FHDS

The US-India Strategic Partnership Forum (USISPF) would like to bring to your attention the impacts of the recent tech sector layoffs and the subsequent effects on the current economic and immigration climate. As you're well aware that the high skilled H-1B work visa program, predominantly used in the tech sector has been in focus, as extremely qualified candidates on non-immigrant visas (NIVs) such as H-1Bs have been affected due to retrenchments in the tech sector.

As of October 2022, the tech sector has drastically trimmed its workforce and this sudden downturn in the sector has had a devastating impact on the livelihood of high-skilled tech professionals, many of them immigrants and on NIVs:

According to **layoffstracker.com** and other cited sources, a whopping 250,000 have been laid off in the United States from October 2022 to as recently as 24th February 2023, with 91,000 losing their jobs in January 2023 and alas, the bleeding hasn't stopped. Most of these former employees on NIVs, aren't just technical workers, they're high-skilled STEM graduates, working on cutting-edge technologies such as AI, data science, quantum computing.

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robotics, and machine learning, helping to lend their expertise to other fields such as education (EdTech), medicine (MedTech) and agriculture (AgTech).

The United States has the most sophisticated and advanced digital economy and in order to remain competitive and fuel the economic engine, our country needs the best and brightest tech talent. Silicon Valley, the cradle of tech innovation, and startup central presently have many immigrant co-founders, with immigrants making up over 50 CEOs of listed companies, many being of Indian-origin migrants, namely Satya Nadella of Microsoft, Sundar Pichai of Google, and Shantanu Narayen at Adobe, who also serves on the board of USISPF. We have received feedback from startup founders, CEOs, venture capitalists, and tech executives that this exodus of H-1B talent from the US is detrimental to the long-term interests of the economy, at a time when the US strives to be geopolitically competitive in the field of Artificial Intelligence and set a global example.

What we are witnessing apart from economic turbulence, is a sense of personal turbulence on a mass scale. H-1B holders, those who have been laid off, have a short window of just 60 days to find another employer, and that too an employer who has the requisite legal amenities and budget to file for an H-1B transfer. Given the large-scale sector disruption, it is highly unlikely they will be able to find an employer within the stipulated time frame to hire and sponsor an H-1B, with the overall sector-wide nadir. This also affects not just the economic health, but the mental health of employees facing disruption both in a capacity of livelihood and seeing their children's education upended.

Under the current economic and tech sector circumstances, we graciously ask and request your office to extend the H-1B grace period from a period of 2 months to 12 months for laid-off tech professionals, given the downturn and the hiring pause in the tech industry.

Our partner organizations, namely the Foundation for India and Indian Diaspora Studies (FIIDS) have been working on creating awareness on the issue to get the H-1B grace period extended, even launching a **Change.Org** petition.



We support FIIDS' appeal to you to extend the current grace period from 60 days to 1 year (or a minimum of 6 months). This extension will pause a much-needed STEM talent drain and ensure the US will continue to be economically competitive and remain a world leader in technology and innovation.

We request a joint online meeting with USISPF, FIIDS, and other supporting organizations to further discuss this topic. Thank you for your consideration and I look forward to hearing from your office.

Respectfully,

  
Mukesh Aghi  
President and CEO  
US-India Strategic Partnership Forum  
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Washington, DC 20037  
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April 4, 2023

Mukesh Aghi  
President and CEO  
US-India Strategic Partnership Forum  
2550 M Street, NW  
Washington, DC 20037  
[maghi@usispf.org](mailto:maghi@usispf.org)

Dear Mr. Aghi:

Thank you for your March 8, 2023 letter to the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) regarding the impacts of recent technology sector layoffs and requesting an increase to the grace period available to H-1B nonimmigrant workers who have been laid off. Secretary Mayorkas asked that I respond on his behalf.

USCIS appreciates the financial and emotional impact that job loss can have on employment-based nonimmigrant workers and their families in the United States. We are aware of the issue of involuntary terminations, especially in the technology sector.

USCIS recently updated our online resources to inform workers of their options following termination and to address a common misconception in media stories about this issue.<sup>1</sup> We would truly appreciate the assistance of the US-India Strategic Partnership Forum to help us ensure that this information reaches those affected by job loss, especially these main 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.*

*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;*

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<sup>1</sup> See DHS, USCIS, Options for Nonimmigrant Workers Following Termination of Employment, <https://www.uscis.gov/working-in-the-united-states/information-for-employers-and-employees/options-for-nonimmigrant-workers-following-termination-of-employment>.

- *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.*

Because the maximum 60-day grace period for laid-off H-1B workers is codified in DHS regulations at 8 CFR 214.1(1)(2), increasing that grace period would require a regulatory change through rulemaking in compliance with the Administrative Procedure Act (APA). Fortunately, as described above, most individuals facing job loss already have several options in order to remain in the United States while continuing their job search past 60 days.

USCIS recognizes the contributions made to the United States by talented foreign-born workers including in the STEM fields. We will continue to monitor the technology sector layoffs and explore appropriate measures.

Thank you again for your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

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