ASSOCIATION OF PUBLIC & LAND-GRANT UNIVERSITIES

November 10, 2026

Submitted via Regulations.gov

Business and Foreign Workers Division
Office of Policy & Strategy
U.S. Citizenship and Immigration Services (USCIS),
Department of Homeland Security (DHS)
5900 Capital Gateway Drive,
Camp Springs, MD 20746

Re: Eliminating the Discretionary 60-Day Grace Period; DHS Docket No. USCIS-2026-0364

Dear Office of Policy & Strategy,

On behalf of the Association of Public and Land-grant Universities (APLU), we submit these comments in response to the U.S. Citizenship and Immigration Services (USCIS) and Department of Homeland Security's (DHS) Notice of Proposed Rulemaking (NPRM), published September 11, 2026, titled, Eliminating the Discretionary 60-Day Grace Period—DHS Docket No. USCIS-2026-0364[1].

APLU is a membership organization that works to advance the mission of land-grant and public research universities. Founded in 1887, APLU is the oldest higher education association in the United States. Its U.S. membership consists of more than 240 public research universities, land-grant institutions, state university systems, and affiliated organizations spanning across all 50 states, the District of Columbia, and six U.S. territories. The association and its members collectively focus on increasing student success and workforce readiness; promoting pathbreaking scientific research; and bolstering economic and community engagement. Annually, its member campuses enroll 4.6 million undergraduates and 1.4 million graduate students, award 1.3 million degrees, employ 1.3 million faculty and staff, and conduct $70 billion in university-based research.

APLU opposes the elimination of the discretionary grace period and strongly urges DHS to withdraw the proposed rule. The current policy provides a limited transition period that benefits employers, employees, and the broader U.S. economy while preserving DHS's discretion to evaluate individual circumstances.

APLU underscores the immense benefits to the nation of securing and retaining global talent. Immigrants account for approximately 35 percent of U.S.-affiliated academic Nobel laureates since 1901[2]. Research shows that 25 percent of billion-dollar start-ups were founded by

[1] Federal Register :: Eliminating the Discretionary 60-Day Grace Period

[2] S.K. Sureka & J.C. Witte, *Immigrant Nobel Laureates: U.S. Higher Education Infrastructure in a Global Context* (Inst. for Immigration Research, Dec. 2024),

individuals who first came to the United States as international students, and those same founders created an average of 860 jobs[3]. These contributions underscore that global talent is a vital national asset, and that retaining these individuals is essential to sustaining the nation's economic strength, research leadership, and long-term competitiveness.

I. The Existing Grace Period Accommodates Legitimate Employment Transitions Without Undermining Immigration Compliance

DHS can preserve the integrity of employment-based nonimmigrant status without eliminating the limited but appropriate flexibility afforded by the existing grace period. The grace period does not guarantee continued employment or authorize an individual to work without appropriate authorization. Rather, it provides a limited period to navigate an unexpected employment disruption, pursue another qualifying employment opportunity, or make arrangements to depart the United States. Eliminating this flexibility would make routine workforce transitions considerably more difficult without meaningfully advancing the Department's stated objective of maintaining the integrity of the employment-based immigration system.

The grace period is important to U.S. talent retention at universities, which often hire around the start of academic semesters or academic years, meaning there may be a delay of several weeks between the end of one appointment and the start of another. A faculty member or researcher whose employment ends in the middle of an academic term may have an opportunity to begin a new position at the start of the next semester. The current grace period eases these legitimate employment transitions, especially when a new position cannot reasonably be expected to begin immediately following the end of a prior appointment. Without the grace period, an individual may be forced to depart the United States before a new employment opportunity can be secured or begin, even when another U.S. employer is prepared to hire them.

This flexibility is important because employment may also end through circumstances outside a worker's control. A researcher's position may end because a grant concludes without an extension, a department may eliminate a position due to budgetary constraints, or a fixed-term appointment may simply reach its expiration date. In many circumstances, the employee may not have anticipated a need to plan for an employment transition. Entirely eliminating the grace period can have profound and deeply disruptive consequences for workers and their families. Requiring individuals to depart the United States immediately or within an insufficient period following an involuntary loss of employment is unnecessarily harsh and fails to account for the human realities of these situations. Workers may be forced to rapidly uproot their families, disrupt their children's education, abandon established communities, and leave behind years of professional and personal investment in the United States. These outcomes are difficult to justify when individuals have complied with the terms of their immigration status and just need an appropriate amount of time to resolve their affairs. A reasonable grace period provides individuals and their families with time to practically navigate an unexpected transition with dignity. It is unfathomable how these arrangements can be made overnight. This expectation is both deeply unfair and unreasonable.

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https://d101vc9winf8ln.cloudfront.net/documents/51466/original/Nobel_Report_2024_Sandip_Web_Version_Final121124.pdf?1734021888.

[3] Stuart Anderson, Immigrant Entrepreneurs and U.S. Billion-Dollar Companies (National Foundation for American Policy, July 26, 2022),

II. The Proposed Rule Undermines Universities' Ability to Attract and Retain Talent

The proposed rule sends a troubling signal at a time when global competition for highly skilled talent is intense. The United States is increasingly competing with other nations not only to attract talented students and researchers but also to retain them once they have established careers and lives in the country. Other countries actively seek to attract international students, researchers, and highly skilled professionals, including those who have already received education or professional training in the United States. The ability to remain in the country and pursue subsequent employment opportunities is an important consideration in where international talent chooses to study and build a career.

The nation realizes the greatest return on that investment when those individuals are able to apply their education, skills, and expertise in service of the U.S. economy, research enterprise, and workforce needs. A policy that forces otherwise qualified and experienced individuals to leave the country because of a temporary interruption in employment works against this objective. It also risks discouraging prospective international students and researchers who may weigh the stability and predictability of U.S. immigration pathways when deciding where to pursue their education and careers. When the United States authorizes these individuals to work and build careers here, the nation benefits greatly from their contributions. For these workers, the loss of even a relatively short transition period can mean losing not only a current position but also the opportunity to continue contributing their expertise to the U.S. research enterprise.

The proposal is especially difficult to justify as it is applied to individuals whose expertise has already been determined to be highly specialized or exceptional. Universities employ many workers in classifications intended for individuals with highly specialized (H-1B) or extraordinary abilities (O-1) whose achievements have earned sustained national or international recognition.

By eliminating the grace period, nonimmigrant visa holders will be significantly less likely to make employment transitions significantly reduce the talent pool for many highly specialized positions. Reducing the available talent pool of nonimmigrant workers in the U.S. does not mean positions vacated by nonimmigrant workers can be readily filled by U.S. workers or that the work can be easily reassigned to Americans. In many cases, it simply creates a vacancy that remains difficult to fill. APLU members report that, for numerous STEM, medical, and research positions, the majority of applicants are international scholars, and positions frequently remain open for multiple months or longer despite extensive recruitment efforts. These dynamics reflect persistent shortages in specialized fields rather than any effort to substitute foreign labor for available U.S. workers.

The current grace period recognizes the realities of employment transitions and provides a limited opportunity for talented individuals to find a different opportunity to contribute to the nation's economy and research enterprise following an unexpected employment disruption. Eliminating that flexibility risks making the United States a less attractive destination for the world’s best minds and places U.S. universities at a disadvantage in recruiting against international competitors that may offer greater continuity and predictability for highly skilled workers navigating employment changes.

III. DHS Understates the Costs and Overstates the Benefits of the Proposal

The Department acknowledges that affected individuals may incur costs under the proposed rule but largely characterizes those impacts as "accelerat[ing] the time in which such beneficiaries would incur these costs." APLU believes this significantly understates the consequences of eliminating the grace period. A worker who is afforded a 60-day opportunity to secure new employment, change status, or plan a departure faces far fewer costs and disruptions than one who must abruptly depart the United States with little time to make arrangements. These effects are most pronounced when the end of employment is not expected. Individuals and their families may be forced to make major decisions on accelerated timelines. Workers and their families have accepted positions, relocated to the United States, entered housing arrangements, enrolled children in school, and made significant personal and professional commitments with the understanding that a discretionary transition period could be available if employment unexpectedly ended. The loss of that transition period would change not only the timing of these burdens but also their magnitude, increasing costs and making it significantly more difficult for affected individuals and their families to wind down their affairs in an orderly manner.

DHS also does not adequately account for the costs associated with losing workers who have already established themselves in the U.S. workforce. When an experienced international researcher, physician, or faculty member is forced to leave the country because they cannot immediately transition between positions, the resulting costs extend to the institution and the broader U.S. economy. Universities may need to restart recruitment efforts, absorb additional hiring and relocation expenses, and delay research or other work while seeking a replacement. The Department should also consider the broader economic consequences of policies that make the United States a less predictable destination for international talent, including the potential loss of prospective students and professionals to competing countries.

Conclusion

For these reasons, APLU respectfully urges DHS to withdraw the proposed rule and retain the existing discretionary 60-day grace period. The current policy strikes an appropriate balance between maintaining the integrity of the immigration system and recognizing the practical realities faced by employers and employees when employment ends. It is both the right thing to do for U.S. competitiveness as well as the humanitarian approach for individuals and families.

Respectfully submitted,



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