

March 22, 2017

Ms. Lori Scialabba
Acting Director
U.S. Citizenship and Immigration Services (USCIS)
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, D.C. 20529-2130

Re: Suspension of H-1B Premium Processing

Dear Ms. Scialabba:

We write you regarding the Department of Homeland Security's March 3 announcement that effective April 3, USCIS will suspend premium processing for all H-1B petitions for a period of up to six months. U.S. universities and their affiliated institutions, which adhere to a strict academic calendar, will be disproportionately harmed by the suspension of premium processing. We urge you to reconsider.

While we strongly support USCIS making substantial progress in reducing the backlog of H-1B applications, temporarily eliminating premium processing will have a severe impact on the education and research missions of U.S. universities. The current backlog of tens of thousands of H-1B applications has caused universities – as well as their affiliated research facilities and medical centers – to rely on premium processing to ensure the timely hiring of faculty and researchers. Since petitions filed under premium processing are usually processed within 15 days, this option has provided institutions with a predictable timeline compared to the current regular window of six or more months.

To the benefit of our country, U.S. universities attract and employ some of the world's most talented faculty, post-doctoral associates, and research scientists. These individuals work in classrooms, preparing students to enter a workforce in which global engagement is a necessity. They also provide substantive scientific expertise as they search for cures and innovations to improve human health, create new technologies, and drive our economy.

Without the option for premium processing, many universities currently in the midst of hiring negotiations will not be able to have their international employees begin work until mid-semester at best, potentially leaving classes stranded without professors. In turn, students may be unable to take vital classes, which could result in a delay to degree completion since many courses are taught in annual or semester sequences.

Furthermore, with no premium processing, universities like the Massachusetts Institute of Technology (MIT) may be forced to delay employment start dates for new research scientists and tenure-track faculty. Under the suspension, MIT would be forced to shift employment start dates to 8-9 months after acceptance. This is too long for many research programs with strict deadlines. At many institutions, individuals requiring a change of visa status to H-1B, or an extension of their H-1B status after the April 3 filing deadline, will be forced to suspend their positions and either

leave the United States or face compulsory unpaid leave. This unintended consequence will have significant impacts on an institution's entire research enterprise. For example, researchers may fail to meet their grant deadlines if they must suspend employment of research aides until their visas can be processed. Additionally, if faculty physicians cannot receive H1-B visas before July or August 2017, university academic centers will be unable to provide critical patient care and medical education will suffer.

In the March 3 notice, USCIS states that "this temporary suspension will help us to reduce overall H-1B processing times." While we agree that the processing times overall have become increasingly lengthy and problematic, suspending premium processing, and therefore reducing the fees available to process H-1Bs through regular channels, is not the answer.

Our associations look forward to working with you regarding a processing solution to allow university coursework to move forward, students to complete their degrees on time, and clinicians and researchers to practice and improve the lives of patients. Please do not hesitate to contact Hanan Saab of the Association of Public and Land-grant Universities at hsaab@aplu.org and Lizbet Boroughs of the Association of American Universities at lizbet.boroughs@aau.edu with any questions.

Thank you for your attention to this issue of critical importance to our nation's universities.

Sincerely,

Association of American Medical Colleges
Association of American Universities
Association of Public and Land-grant Universities
College and University Professional Association for Human Resources
NAFSA: Association of International Educators