November 10, 2026

Submitted via Regulations.gov

Business and Foreign Workers Division
Office of Policy & Strategy
US Citizenship and Immigration Services
US Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: **Proposed Rule Eliminating the Discretionary 60-Day Grace Period**
DHS Docket No. USCIS-2026-0364
RIN 1615-AD22

Dear Office of Policy & Strategy,

The undersigned represent a cross-section of the science, business, higher education, labor, and policy communities that care about high-skilled immigration and the US high-skilled workforce. While the signatories have a variety of views on employment-based immigration policy, we write to express our shared concern over and opposition to the Department's proposal to eliminate the 60-day grace period for H-1B, H-1B1, E-1, E-2, E-3, TN, O-1, and L-1 visa holders.

Worker mobility is key to a fair labor market. Workers who can change jobs can bargain more effectively for fair wages, seek career advancement commensurate with their skills and experience, and pursue opportunities that best serve them and their families.

The Department's proposal to end the 60-day grace period will directly undercut job mobility for hundreds of thousands of workers across eight nonimmigrant visa programs, pressuring such workers to continue employment with their sponsoring employer and diluting their continued ability to contribute to US innovation and the economy. Such a change would leave them without status the day after their employment ends, permitting the government to initiate removal proceedings upon separation from an employer, albeit with an opportunity to prove that a timely filed request for status was made prior to the employment ending. This dependence would be unfair not only to visa holders themselves, but also to American workers with whom they compete.

A growing body of research finds that restrictions on job mobility depress wages while stifling innovation and entrepreneurship.[1] Wage growth among job-switchers is consistently higher than job stayers.[2] Job-switchers spread new ideas across firms, industries, and regions, contributing

[1] Evan Starr, "The Economics of Noncompete Clauses," *Journal of Economic Perspectives* 40, no. 1 (2026): 139-166.
[2] "Wage Growth Tracker," Federal Reserve Bank of Atlanta.

to productivity growth across the economy.[3] Ending the 60-day grace period will further deter a significant subset of skilled workers — including O-1A visa holders with extraordinary abilities in science and business — from changing employers. The Department's notice of proposed rulemaking (NPRM) provides no analysis of its likely effects on wage growth, productivity, innovation, or entrepreneurship, which are surely significant. These are costs to the American economy that must be considered in this rulemaking effort.

For those of us who are employers, we are concerned that without the 60-day grace period, we will not be able to recruit and retain talented professionals whose skills contribute to American progress in critical and emerging fields. Job mobility is an important factor for talented professionals considering roles with our organizations in America. If we cannot offer them the certainty that their status is not so vulnerable, we are concerned many such professionals will instead choose other destination countries. Moreover, striking the grace period "locks in workforce composition at the moment of hiring, limiting the ability to bring on workers with different or higher skills, scale up or down in response to labor market conditions, or access workers who are already authorized and present in the United States."[4]

Lack of job mobility has long been an issue in our employment-based immigration system. These impediments are unfair to foreign and native workers alike. For American workers, "[t]he practical leverage available to any worker depends, in part, on the leverage available to their co-workers."[5] As one policy organization writes, foreign workers are "at a disadvantage in the workplace vis-à-vis their US counterparts" because they "have significantly less job mobility based on their temporary and precarious immigration status."[6] This is why when DHS first established the 60-day grace period, a broad selection of unions, employers, and worker advocates spoke up in support of the change.[7]

While more needs to be done to ensure the terms and conditions of nonimmigrant work visas are fair and rational, eliminating the 60-day grace period would be a major step backwards. It would have harmful effects on both foreign and native workers while slowing innovation and productivity growth. For these reasons, we urge the Department to withdraw the rule.

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[3] Andrey Stoyanov and Nikolay Zubanov, "Productivity Spillovers across Firms through Worker Mobility." *American Economic Journal: Applied Economics* 4(2), 2012: 168-198.
[4] "Mobility Matters: Why Worker Portability Should Drive Reform of Employment-Based Visas," (Cornell Immigration Law and Policy Program, July 2026).
[5] Id.
[6] Daniel Costa and Ron Hira, "EPI comments on DOL Request for Information on determining prevailing wage levels for H-1B visas and permanent labor certifications for green cards," Economic Policy Institute, June 1, 2021.
[7] The broad group of supporters at the time included the AFL-CIO, Microsoft Corporation, the University of Michigan, and Compete America.

Sincerely,

Business, Workforce and Entrepreneurship

Center for Strategy and Applied Insights at Fragomen

Compete America

Computer & Communications Industry Association

Global Cleveland

Global Detroit

Information Technology Industry Council (ITI)

National Venture Capital Association (NVCA)

Shorelight, LLC

TechNet

Tribe Chat

Science

American Anthropological Association

American Association for Dental, Oral, and Craniofacial Research

American Astronomical Society

American Physical Society

Association for Women in Science

Association of American Universities

Biophysical Society

Geological Society of America

Education

International Student Resource Center

NAFSA: Association of International Educators

National Postdoctoral Association

Presidents' Alliance of Higher Education and Immigration

Policy

Institute for Progress

Economic Innovation Group

Economic Policy Institute

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