

Congress of the United States

Washington, DC 20515

December 22, 2022

The Honorable Alejandro Mayorkas,
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue S.E.
Washington, D.C. 20528

The Honorable Ur Jaddou,
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20746

Dear Secretary Mayorkas and Director Jaddou,

In 2022, more than 140,000 tech workers have lost their jobs,¹ with approximately 50,000 tech sector job losses in November alone.² These layoffs in positions centered on Science, Technology, Engineering, and Mathematics (STEM) have had a devastating impact, especially on the thousands of individuals who are at risk of losing their employment-based visas if they cannot find a new job within 60 days.

Foreign-born workers comprise nearly a quarter of the STEM workforce,³ and many of these newly unemployed workers are on H-1Bs or other employment-based visas. These individuals only have 60 days to find a new employer to sponsor their visa, and those who are unable to do so must leave the country.

Forcing these talented immigrants to leave our country is harmful to our long-run economic competitiveness. Many of these individuals have highly specialized skills and advanced STEM degrees from top U.S. universities. If allowed to stay in the U.S., they will develop innovative products, start new businesses and create jobs, and advance research across a variety of fields. Some of these individuals have been in the United States for decades and have U.S. citizen children and deep roots in the community.

Throughout our country's history, immigrants have been the driving force behind the innovation and entrepreneurship that has made the American economy the largest and most prosperous in the world. In fact, more than half of all billion-dollar technology companies were founded by immigrants.⁴ To ensure that the successful companies of the future are based in the U.S., we must prevent this brain drain from taking place.

Retaining STEM talent is also critical to strengthening U.S. national security. According to the Pentagon's most recent U.S. Defense Industrial Base Industrial Capabilities Report, the STEM

¹ Dixit, Pranav. "They Worked in Big Tech and Lived the American Dream. Now They Might Be Forced to Leave the Country." *BuzzFeed News*, 5 Dec. 2022, <https://www.buzzfeednews.com/article/pranavdixit/laid-off-tech-workers-us-visas-problems>.

² Smith, Stacey Vanek. "Find a New Job in 60 Days: Tech Layoffs Put Immigrant Workers on a Ticking Clock." *NPR*, 8 Dec. 2022, <https://www.npr.org/2022/12/08/1141402046/h1b-visa-immigrant-workers-tech-layoffs-60-days-to-find-a-job>.

³ Jordan, Miriam. "Tech Layoffs in U.S. Send Foreign Workers Scrambling to Find New Jobs." *The New York Times*, 9 Dec. 2022, <https://www.nytimes.com/2022/12/09/us/tech-immigrant-workers-visas.html>.

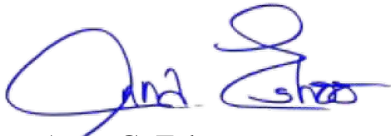
⁴ Anderson, Stuart. "NFAP Policy Brief: Immigrant Entrepreneurs and U.S. Billion-Dollar Companies." *NFAP*, 2 Nov. 2022, <https://nfap.com/research/new-nfap-policy-brief-immigrant-entrepreneurs-and-u-s-billion-dollar-companies>.

education and talent deficit in the United States is a major threat to national security.⁵ In an era in which the U.S. is increasingly threatened by adversaries that invest heavily in technological innovation, we must maintain a competitive advantage in strategically important fields, including artificial intelligence, aerospace, and quantum computing. This advantage is only possible if the U.S. attracts and retains talented immigrants who can contribute to research in these fields.

Because foreign-born workers only have a 60-day grace period to find a new job before losing their employment-based visa, it is difficult for them to remain in the U.S. after being laid off. The Immigration and Nationality Act empowers U.S. Citizenship and Immigration Services (USCIS) to modify the duration of the grace period through administrative action. Given the many benefits of retaining immigrant talent, we respectfully request that you extend the grace period to at least 120 days for employment-based visas, including the E, H, L, O, and TN visa categories. We're confident this policy change will boost America's economic competitiveness and honor our proud heritage as a nation of immigrants.

Thank you in advance for considering this request and for your ongoing efforts to ensure that our immigration system advances U.S. interests by attracting and retaining international talent.

Most gratefully,



Anna G. Eshoo
Member of Congress



Zoe Lofgren
Member of Congress

⁵ "DOD Releases Industrial Capabilities Report." *U.S. Department of Defense*, <https://www.defense.gov/News/Releases/Release/Article/2472854/dod-releases-industrial-capabilities-report/>.