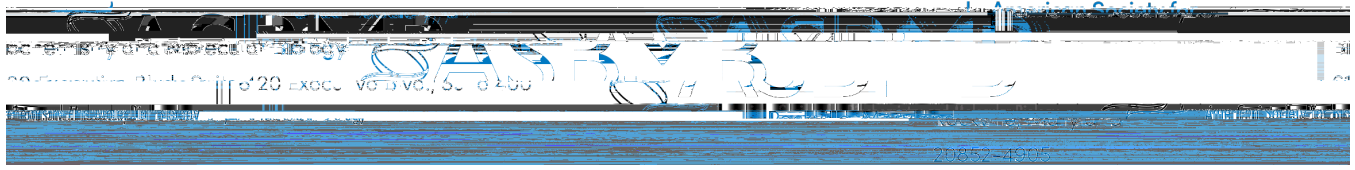


5900 Capital Gateway Drive
Camp Springs, MD 20746

RE: Docket Number USCIS-2023-0005, “Modernizing H-



The ASBMB is pleased to provide feedback for items 2 and 3, along with an additional recommendation:

Benefits and Flexibilities

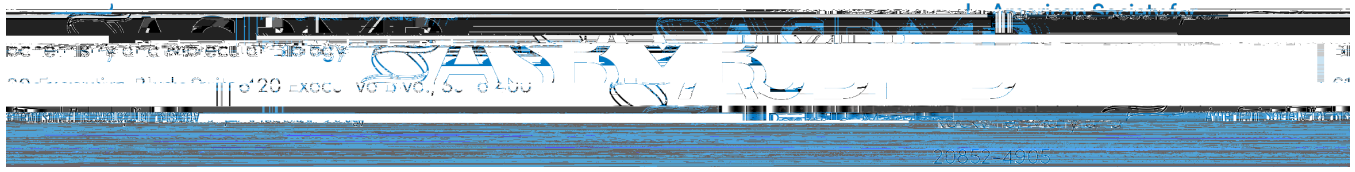
Recommendation 1: Move forward with modernizing the definition for exempt employers

The ASBMB commends USCIS for taking steps to revise qualifying exempt employers from the H-1B visa cap. Current exempt employers include institutions of higher education, related or affiliated nonprofit entities, and nonprofit or governmental research organizations that have demonstrated research as their primary or principal activity. By changing the research requirement from “primarily” or “primary” to “fundamental activities,” the USCIS is creating more opportunities for organizations engaged in several important activities beyond research to now qualify as exempt employers. This will also expand the number of roles/positions available to foreign talent outside the congressional mandated maximum.

Recommendation 2: Move forward with the automatic extension for F-1 visa students in the cap-gap to April 1 of the relevant fiscal year

The ASBMB recognizes USCIS efforts to prevent disruptions in employment authorization by extending the cap-gap automatic extensions from Oct. 1 to April 1 of the relevant fiscal year. USCIS saw almost double the number of [total registrations submitted](#) for the FY 2024 H-1B cap compared with FY 2023. The high volume of applications is only one factor that influences the delays in petitions processed for students changing their status from F-1 to H-1B. This extension will not only allow F-1 visa students to maintain lawful status in the U.S. and employment authorization, but it will also allow USCIS more time to process the petitions before the deadline.

Recommendation 3: USCIS should consider extending dual intent to F-1 visas and offer a direct route



The ASBMB urges USCIS to offer dual intent to F-1 visa holders pursuing a doctoral degree. The current immigration law requires applicants for F-1 student visas to demonstrate to the U.S. consular officer intent to return home after their course of study. By offering dual intent for applicants pursuing a doctoral degree, the U.S. will encourage this talent to stay in the U.S. and contribute to the research enterprise. The investment made in these talented foreign scholars to gain the skills and knowledge required for their field of expertise should be valued and capitalized upon.

The ASBMB also urges USCIS to offer a direct H-1B visa path for doctoral graduates from U.S. colleges and universities transitioning to an H-1B. U.S. colleges and universities invest time, money and resources to train these foreign scholars, and these resources often include federal taxpayer funds in the form of federal research grants. The current lottery system offers these talented scholars a slim 11% chance to be selected, making it difficult to retain this talent within the American research workforce. The current system does not appropriately capitalize on the investment of taxpayer funds by providing more opportunities for foreign talent to remain in the country.