

March 6, 2023

Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive, Camp Springs, MD 20746

RE: U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements Proposed Rule

The American Society for Biochemistry and Molecular Biology is an international nonprofit scientific and educational organization that represents more than 10,000 students, researchers, educators and industry professionals. The ASBMB strongly advocates for strengthening the science, technology, engineering and mathematics workforce, supporting sustainable funding for the American research enterprise, and ensuring diversity, equity and inclusion in STEM.

The U.S. Citizenship and Immigration Services published a [proposed rule](#) titled “USCIS Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements” on Jan. 4 seeking public comment on the agency’s proposed changes to petition processing fees. The changes aim to help USCIS increase revenue to address the backlog of petitions and expand humanitarian programs.

The ASBMB recognizes that USCIS is currently operating under a deficit and would benefit from increased revenue to meet the current needs of the agency and appreciates it taking action to reduce processing times and improve service. However, the structure of the proposed rule is likely to harm the retention of highly skilled foreign-born scientific researchers employed in academia.

Foreign-born scholars make up [50% to 75% percent](#) of science, technology, engineering and math graduate students and [around 50%](#) of the doctoral-level STEM workforce nationwide. Yet the current visa process makes it difficult for them to remain in the U.S. to work and contribute to the U.S. economy after their research training is complete. This squanders the substantial investment made in these scientists by the U.S. research enterprise and contradicts their [tremendous value to U.S. competitiveness and innovation](#). The ASBMB recommends the following to attract and retain highly skilled individuals in the STEM workforce who are [vital to ensuring the success of the U.S. research enterprise and a robust economy](#).

Recommendation 1: Reevaluate the \$600 Asylum Program Fee

The Department of Homeland Security has proposed a \$600 Asylum Program Fee to be paid by employers for each filing of Form I-129, Petition for a Nonimmigrant Worker, or Form I-140, Immigration Petition for Alien Worker. While for-profit companies are likely to easily absorb this additional filing cost, nonprofit organizations and educational institutions are more financially constrained.

[A third of foreign-born STEM Ph.D. holders who remain in the U.S. workforce](#) are employed via temporary visas (e.g., H-1B, J-1, EB-1A and O-1), and about 50% are at nonprofit, government or academic institutions. Therefore, the Asylum Program Fee will affect a significant portion of the foreign-born scientists and burden the nonprofit and academic institutions they are employed by, such as institutes of higher education and other nonprofit research organizations.

The fee is also particularly taxing to the academic employment sector, where many scientists are funded with temporary federal grants that rarely align with the timelines of visa processing. As a result, employers often have

to submit multiple I-129 forms on behalf of one petitioner to adjust the employee's work authorization timeline as new funding is secured.

Given the above circumstances, the ASBMB is concerned that the \$600 Asylum Program Fee will deter institutes of higher education and other nonprofit research organizations from supporting I-129 and I-140 petitions for their employees. This could increase the barriers to retaining scientific talent in the U.S. research workforce at a time when U.S. competitiveness is crucial for the nation to remain a global leader in technology and innovation.

The society recommends that DHS and USCIS explore alternative mechanisms for the Asylum Program Fee to relieve the anticipated burden on institutes of higher education and other nonprofit research organizations. The ASBMB encourages additional federal appropriations to be requested to cover humanitarian and asylum programs or higher education and other nonprofit research institutions to be exempt from the Asylum Program Fee.

Recommendation 2: Phase in scheduled fee increases

The ASBMB recommends that USCIS phase in the proposed fee increases over multiple fiscal years to soften the burden on nonprofit organizations and allow them to prepare future budgets accordingly. This will help prevent a reduction in petitions and/or reallocation of other important resources at these institutions.

Institutes of higher education and other nonprofit research organizations need time to adjust to the new fee schedule as proposed. The new fee schedule will increase the cost of commonly used petitions in the STEM immigration pathway by between 130% and 2,050%. After many years of stable fees, institutes of higher education and other nonprofit research organizations will struggle to afford the new fees and may have to reduce the number of petitions that they file or take from other important resources, hurting the American research enterprise.

Recommendation 3: Continue improving immigration processing

Efficient services from USCIS will allow the nation to reliably recruit and retain STEM talent from across the world. The ASBMB is hopeful that additional funds will allow USCIS to remove backlogs, combat fraudulent activity, and reduce processing times that currently burden temporary visa holders in the U.S. scientific workforce.

Under current policy, delays during J-1 waiver approval processing have timed-out individuals' J-statuses, causing their income to be paused for several weeks and/or months until the waiver is processed. Also, extreme backlogs for some petitions have necessitated priority processing if a decision is needed in accordance with the normal timelines. These circumstances need immediate correction.

It is vital that the USCIS continue to [address backlogs](#) in student visas (F-1) to prevent delays for students intending to pursue degrees in the U.S. These students are critical not only [to the nation's innovation and competitiveness](#) but also to revenue streams for many U.S. colleges and universities. Continuing the ongoing efforts to reach pre-pandemic processing levels should remain a high priority.

On behalf of the ASBMB's more than 10,000 scientists and researchers, thank you for your attention to this matter. Additional questions can be directed to Sarina Neote, Director of Public Affairs, at publicaffairs@asbmb.org.