

CompeteAmerica

The Alliance for a Competitive Workforce

April 15, 2024

Jami Thompson
Senior Regulatory Coordinator
Visa Services, Bureau of Consular Affairs
Department of State

Submitted Via Regulations.gov

RE: Pilot Program to Resume Renewal of H-1B Nonimmigrant Visas in the United States for Certain Qualified Noncitizens

Dear Senior Regulatory Coordinator Thompson:

The Compete America Coalition advocates for ensuring that the United States has the capacity to educate domestic sources of professional talent and to obtain and retain the foreign talent necessary for U.S. employers to continue innovating and creating jobs in the United States. Our coalition members include higher education associations, industry associations, the nation's largest business and trade associations, and individual employers — all working together to advance access to skilled professionals, including science, technology, engineering, and mathematics (STEM) talent, by growing our U.S. workforce development and improving the U.S. high-skilled immigration system. For more than 20 years, Compete America has worked with successive administrations and Congress on issues critical to the professional global mobility of talent, as well as the functionality and integrity of the U.S. employment-based immigration system.

Members of our coalition are among the nation's foremost creators of jobs for U.S. workers. Our members contribute to the nation's economic strength and global competitiveness. In addition to the U.S. workers who comprise the vast proportion of their workforces, our members also leverage the talents of well-educated and highly skilled professionals from abroad, including professionals working in STEM fields. Many of these highly sought-after professionals have been drawn to this country not only by the vast opportunities for innovation and growth offered by U.S. employers, but also by America's unmatched higher education system and world-class research and development enterprise. Compete America therefore has a strong interest in ensuring that the U.S. immigration system functions efficiently and effectively.

Our Coalition welcomed the news that the Department of State (DOS) would launch a pilot program to allow certain applicants to renew their visas in the United States as a measure that would allow certainty for our employees, minimize U.S. business disruptions, and offer streamlined and efficient processing. This program was once a critical tool in our immigration

toolbox and its resurrection was indeed highly anticipated. While not many of our companies had employees who were eligible to participate in the pilot program, some employees of our coalition members were able to successfully participate in the program. Those who participated reported an overall positive experience. Participants noted that they were relieved to be able to process their visas in the United States to avoid delays and unnecessary delays when traveling overseas which could jeopardize their livelihood and personal well-being. We appreciate the opportunity to provide feedback from our collective experience to help improve the domestic visa renewal program.

Expand and Make Permanent the Domestic Renewal Program

The Compete America Coalition urges DOS to expand the pilot program to other visa applicants and to make this program permanent before the end of the calendar year. Allowing visa applicants from any country who do not pose a security risk to renew their visas in the United States is an important measure to ensure that our employees can have assurances when they travel for work or pleasure that their return to the United States will not be hampered by an inability to get a visa appointment, issues with timely processing, or problems in the adjudication of their visa renewal. Not only is this certainty crucial for our employees and their families, but it is also imperative to ensure that business operations are not disrupted due to visa processing delays. As DOS successfully makes its way out of processing delays that it suffered in the past few years, this program will enable consulates to better manage their workloads more efficiently, improve processing times, and provide consistency and predictability in consular processing.

We understand that DOS needed to begin the pilot program with a small group of visa applicants to make sure that the process set forth worked efficiently and properly. However, the program should be further expanded as soon as possible because many of our companies that employ nonimmigrants, particularly H-1B nonimmigrants, were unable to participate in the pilot program. One Fortune 100 company noted that only 3 employees out of thousands were eligible to be part of the pilot program. Other coalition members noted hesitation in participation in the pilot program because the family members of eligible applicants would be required to process separately. Compete America urges DOS to expand the program to maximize participation as soon as possible. If it is necessary to continue expanding the program incrementally, we would recommend that it should be expanded to include the following categories of applicants:

- 1) All H-1B nonimmigrants with an approved and unexpired petition seeking to renew their visa, regardless of where their visa was issued;
- 2) Dependents of all eligible H-1B nonimmigrants;
- 3) Other nonimmigrant renewal applicants, including those in F, J, L and O status, including dependents.

Allowing dependent visa applicants to file their renewal applications concurrently with the principal family member in the United States is crucial to maximize participation and ensure that families can travel together without anxiety that dependents may be left behind overseas.

Most importantly, we believe that it is essential that DOS make this pilot program permanent before the end of 2024 to ensure that applicants can have security in the availability of this program and DOS can continue to make progress in reducing its consular processing times.

Feedback from Participants of the Pilot Program

The feedback we received from our members who participated in the pilot was that the process was smooth and overall positive. Although DOS warned that it could take six to eight weeks to process these applications, many applicants had much faster processing. As with any initial rollout of a new program, there are some areas of concern and possible improvements that we discuss in detail below.

We received reports that there was some confusion by employees during the initial rollout about how to apply after they completed the DS-160 because it required navigating to a different website. In particular, the India TravelDocs site was not intuitive and less user-friendly than the site used for Canada. If DOS is choosing one vendor to use for this program, we would ask that they consider the usability of the website. We would recommend that in future rollouts of the program, DOS provide more explicit instructions on how to complete the application process, including step-by-step instructions or a how-to-video. In particular, explaining how to participate in the program if they have an existing appointment at the consulate would be helpful, as the practice was inconsistent for those who went through Canada and India. In this scenario for those in India, users had to pay the fee again, but in similar cases in Canada, the system linked in with the existing MRV fee and they did not have to pay twice. We also experienced payment issues in TravelDocs, including programs getting stuck and the inability to accept U.S. credit cards on the Indian site, which added extra hurdles to navigate. Finally, some users experienced glitches where the DOS visa stamp scheduler would not recognize a DS-160 confirmation number started with AA00DD (only recognizing confirmations up to AA00CC).

Participants expressed that they would have appreciated a better system via CEAC portal and/or email notifications for being able to receive clearer real-time feedback/status updates once they submit their documents and when they can expect to receive their passports back (beyond the reported average expected time of 6-8 weeks). Additionally, we would recommend that DOS provide further transparency in the adjudications process by providing a better system via the CEAC portal where applicants can receive status updates on document submission or tracking their passports upon being returned. It would also be helpful to have information on how many visas remain available for each application period to encourage use of the program. Finally, users would appreciate guidance on the impact of participating in the domestic visa renewal program on an individual's future ability to participate in the interview waiver program.

As DOS makes this program permanent, we recommend coordination with other agencies, such as U.S. Citizenship and Immigration Services (USCIS), on any impact it may have on their adjudications and services. For example, some applicants have received requests for evidence from USCIS on their advanced parole requests. An individual who applies for advanced parole must apply while still in the United States, but since they have received a domestic visa renewal, USCIS mistakenly believes that they traveled overseas to receive their visas.

Conclusion

The Compete America Coalition has truly appreciated DOS's willingness to engage with us during the development and implementation of this pilot program, taking our concerns and input into serious consideration. We hope that the above feedback will also prove beneficial to the Department as you further improve, expand, and make permanent the Domestic Renewal program. We look forward to continued dialogue with DOS to ensure that our mutual interests and concerns are addressed.

Respectfully submitted,

Scott Corley
Executive Director
Compete America Coalition