



January 2, 2019

Samantha Deshombres
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529

RE: Registration Requirement for Petitioners Seeking To File H-1B Petitions on Behalf of Cap-Subject Aliens (DHS Docket No. USCIS- 2008-0014)

Dear Chief Deshombres,

On behalf of the Council of Graduate Schools (CGS), I appreciate this opportunity to submit the following comments regarding the proposed registration requirement for petitioners seeking to file H-1B petitions on behalf of cap-subject aliens; DHS Docket No. USCIS- 2008-0014. For more than five decades, CGS has served as the national organization dedicated solely to advancing graduate education and research—our membership includes over 500 institutions of higher education in the United States, Canada, and abroad. Our institutions award the majority of U.S. doctoral and master's degrees. Among our member schools, there are over 339,000 international students pursuing master's and doctoral education.

While CGS continues to analyze the proposed rule and its impact on higher education and the workforce, I offer the following comments with respect to consideration of graduate-prepared individuals in the H-1B visa lottery process. CGS appreciates DHS's willingness to consider how to better retain individuals educated at U.S. institutions of higher education. In particular, we support the department's goal of strengthening the talent pipeline of the U.S. workforce by increasing the number of workers with master's and doctoral degrees.

For the second consecutive year, CGS data show that first-time enrollment of international students in U.S. graduate programs is declining.¹ Enrollment dropped by 3.7% between Fall 2016 and Fall 2017. This, coupled with increasing global competition for attracting top international students, will require the U.S. to reconsider its policies regarding recruitment and retention of individuals with U.S. graduate degrees. The proposed rule would reverse the order in which individuals with a master's degree or higher are selected from the general cap (65,000) and the advanced degree exemption cap (20,000). According to USCIS estimates, if the proposed changes to the H-1B visa lottery were enacted, the number of H-1B visa recipients who have a master's degree or

¹ Okahana, H., & Zhou, E. (2018). [Graduate enrollment and degrees: 2007 to 2017](#). Washington, DC: Council of Graduate Schools.

higher from a U.S. institution would increase by approximately 16 percent, or 5,340 workers.²

This effort is timely as the demand for professionals with graduate degrees continues to grow. According to the U.S. Bureau of Labor Statistics, careers that require a master's or doctoral degree at entry-level are projected to be the fastest-growing segment of the workforce through 2026.³ By rearranging the order in which USCIS selects H-1B recipients under the current caps, employers seeking graduate-prepared workers would be better able to obtain employees who meet their needs, thus allowing them to "remain competitive in the global marketplace."²

We are also aware of the potential for unintended consequences that could occur if the proposed rule is enacted, as a change to one aspect of the higher education ecosystem rarely occurs in isolation. We question how the proposal may impact the pool of individuals who have less than a master's degree as well as graduate degree holders from foreign higher education institutions. Moreover, we question how the proposal would impact U.S. institutions who employ graduate degree holders from foreign institutions, many of whom currently serve as faculty or researchers on U.S. campuses. We would be concerned should efforts to recruit and retain these individuals be adversely affected.

Additionally, under current law, foreign workers with a U.S. master's degree or higher are not subject to the overall H-1B cap until after 20,000 visas under the "Master's Cap" are issued. Although DHS uses historical data on H-1B cap-subject petitions to estimate future registration populations, outside of reversing the order by which the lotteries are conducted, we seek additional clarification on how the proposed change might further prioritize petitions filed by master's or doctoral degree-holders from a U.S. institution of higher education.

CGS applauds the Administration's efforts to keep U.S.-educated master's and doctoral students stateside upon graduation, where they can continue being valued contributors to the economy and our communities. We implore the department to provide additional clarification around the projected impact on individuals who have less than a master's degree as well whether graduate-prepared individuals would be prioritized in the 65,000 cap. We also encourage the Administration to work with Congress to enact a legislative fix that increases the number of H-1B visas available to U.S. graduate degree-holders. In addition, efficient renewal of academic visas while remaining cognizant of national security issues, extending dual intent to include nonimmigrant foreign students, and continuing the use of Optional Practical Training (OPT) are all policies that can improve our nation's ability to retain expertise across several fields.

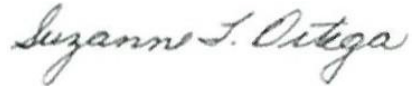
We thank you for your consideration of these comments. CGS is committed to maintaining the best and brightest domestic and international talent, and hope that we

² Registration Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Cap-Student Aliens; Notice of Proposed Rulemaking, 83 Fed. Reg. 232 (3 December 2018, pp. 62406-62447.)

³ U.S. Bureau of Labor Statistics. (2017). Occupational outlook handbook. Retrieved from: <https://www.bls.gov/ooh/>.

can be a resource to you when considering matters that impact graduate education. If you have any questions, please contact CGS's Vice President for Public Policy and Government Affairs, Lauren Inouye, at Linouye@cgs.nche.edu or (202) 461-3864.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne T. Ortega".

Suzanne T. Ortega

President