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Compete America: Eliminating 60-Day Grace Period Would Undercut U.S. Innovation and Competitiveness

Longstanding Policy Is Key to Keeping Top Talent and Driving U.S. Economic Growth

WASHINGTON, D.C. (November 13, 2026) – Compete America this week submitted comments urging the U.S. Department of Homeland Security (DHS) to withdraw its proposal to eliminate the discretionary 60-day grace period available to certain employment-based visa holders following the end of employment. DHS has not demonstrated that eliminating the longstanding policy would meaningfully reduce administrative burdens or improve program integrity, Compete America stresses. Instead, the proposal would restrict worker mobility, disrupt U.S. employers' ability to hire already-vetted international talent, and undermine efforts to keep highly skilled professionals in the United States. It would also disrupt the lives of workers and their families, including U.S. citizen children, many of whom have lived in American communities for years or even decades.

Highlighting the proposal's implications for American innovation and global competitiveness, Scott Corley, Executive Director of Compete America, said:

> *"The global competition for talent is a competition for the future of innovation, investment, and economic leadership. In critical fields like AI, semiconductors, and cybersecurity, America's ability to attract and retain the world's best talent is essential to maintaining our competitive edge.*
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> *"Eliminating the 60-day grace period would move us in the wrong direction, making it harder for U.S. employers to retain highly skilled professionals who are already here and driving economic growth. Mobility is essential to protecting fair competition in the labor market; eliminating the grace period would undermine it. We should be pursuing policies that keep talent, innovation, and investment in the United States."*

In its comments, Compete America states:

> *"Compete America has long advocated for policies that alleviate unnecessary burdens on government agencies, petitioners, and applicants. However, in this proposal, DHS has failed to demonstrate that the burden on U.S. Citizenship and Immigration Services (USCIS) under*

current regulations would outweigh the significant harms that eliminating the grace period would cause.

"The discretionary grace period of up to 60 days for H-1B, H-1B1, E-1, E-2, E-3, TN, L-1, and O-1 visa holders was first codified into the regulations in November 2016. Compete America strongly supported the agency's adoption of the provision, and it remains a critical policy that allows highly skilled foreign nationals who are already in the United States to change employers, transition to another visa classification they are eligible for, or settle their affairs and prepare to depart the country.

"DHS has not shown that the asserted benefits justify surrendering a targeted mechanism that improves labor-market mobility, enables American employers to redeploy already-vetted talent, and supports the Administration's own objective of keeping exceptional science and technology talent in the United States. Since DHS has not met its obligations under the Administrative Procedure Act (APA) in issuing this rulemaking, we respectfully request that the Department withdraw the proposal."

To read the full comment, click here.

About Compete America

Compete America: The Alliance for a Competitive Workforce ("Compete America") advocates for ensuring that the United States has the capacity to educate domestic sources of professional talent and to attract and retain the international talent necessary for U.S. employers to continue innovating and creating jobs in America. 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 high-skilled talent, including those in science, technology, engineering, and mathematics ("STEM") fields, by growing critical workforce development opportunities for U.S. workers stateside 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 majority 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. competeamerica.org