Comment #1

This rule RIN1615-AC05 was supposed to address president’s last year EO. However I am disheartened to see none of the promises are delivered.

The text from President’s EO / WH Factsheet are,

“Providing portable work authorization for high - skilled workers awaiting LPR status and their spouses.

Under the current system, employees with approved LPR applications often wait many years for their visa to become available.  DHS will make regulatory changes to allow these workers to move or change jobs more easily.  DHS is finalizing new rules to give certain H-1B spouses employment authorization as long as the H-1B spouse has an approved LPR application.

Ensuring that individuals with lawful status can travel to their countries of origin.

DHS will clarify its guidance to provide greater assurance to individuals with a pending LPR application or certain temporary status permission to travel abroad with advance permission (“parole”).”

The rule doesn’t address key part of the EO intentions. To free up people languishing in the H1b status for over a decade, change jobs, travel to home country.

The current system is bad for American workers, Bad for immigrants. Unfortunately the proposed rule does not address these. The employers continue to depress the wages for immigrant workers, and displacing American workers. All we are asking is a fair, rational immigration system. Unfortunately this rule fail to address any of the issues faced by skilled immigrant community.

We request USCIS to use the same provisions under the law which allowed them to issue EADs to H4, OPT and DACA/DAPA and issue EADs to all the people with approved I140.

1. Issue EAD to the people with approved LPR aka I140, after 180 days of approval of I140
2. issue parole travel documents, aka AP-Along with EAD so that they can travel to home country without any issues
3. No requirement to restart the GC process. This alone deters 98% of the people from changing the job.
4. No ‘compelling circumstances’, this is completely useless and provides more avenues for exploitation, not relief.

Comment #2

Dear Sir/Madam,

I am Suman Devineni. I am working on H1b since 2007. I am working with same employer for last 6+ Yrs because i have approved I-140. If i change employer, i need to restart my GC process again which involve PERM and I-140.

We are very disappointed with the existing content of this rule. We were hoping real job mobility using approved I-140. But it appears that we still need to redo PERM and I-140 if we change job. This is very disappointing!! We are waiting for this freedom for years. My Priority date is in 2011 but as per current progress it will take years!!

Our expectation from this rule is below:

1. This rule should provide job mobility so we do NOT need to do our PERM and I-140 again. THIS IS MUST AND MINIMUM requirement. Rule is completely useless without this.

2. We should get EAD & AP. after 180 days of I-140 approval. Existing 'compelling circumstances' condition is very extreme and useless.

We just need our freedom to work freely. Our life is completely stuck at present. You really cannot even imagine how hard our life has became. Some points are below:

1. On H1b, We cannot travel to our home town just because of unpredictable visa stamping issues and associated delays.

2. I am getting only 1 yr H1b extension for last 2 Yrs!! Whereas my work location and client is same for last 5+ Yrs!!

3. Our kids are aging out!! We cannot buy home just because of visa uncertainty/complexity.

4. We are not able to start our new firms. We want to invest more here in USA and want to contribute more towards economy and society. But at present we are stuck.

Request you to please modify the rule and provide us real job mobility which DO NOT require to restart GC process again.

Thanks,

Suman

Comment #3

Dear DHS/USCIS,

This rule is a huge disappointment as the expectation from President's announcement last year was entirely different from what is announced today.

This rule just re-iterates/confirms several practices that are already in place for most cases. Couple of useful points are,

* Rentention of PD after taking up a new employment.
* 60 Day grace period in case of job loss.

The only new benefit on this rule is that 140 based visa extension even after employer withdraws/goes out of business.

Unfortunately this rule does not address the real issues.

~ Travel outside of the country is a hassle as we need to goto home country to get the visa stamped. There is always a risk of 221(g) which has affected many people. Uncertainties and associated delays are common.

~Abusive employers always drag the PERM process till the last moment.

~Employers tend to use H1 employees for lesser salary that displaces american workers.

With the new rule, none of the above issues are going to change.

Following additions/changes to the rule will help the community immensely and the american workers.

1. Provide EAD and AP for the people with approved I140 after 180 days
2. Chaining to employer using h1 depresses the wages and displaces american worker. This rule only benefits corporate, neither immigrant worker, nor the american worker
3. Allow us to file I485 immediately after I140 approval, thus providing us EAD & AP. USCIS can use the same law and provisions used for H4EAD, OPT EAD and DACA/DAPA
4. Give us grace period of 60 days in a given 365 days calendar period. This cannot be a once in lifetime opportunity. Just because someone lost a job last year doesn’t mean that he or she will not lose the job again. Having 60 days grace period in any given 365 days helps.
5. Please do not make us to redo the perm and I140 process again and again. This is a great deterrent for the H1B workers to change the job. This allows the employers to exploit us and depress the wage.

Thanks for the consideration.

Comment #4

We request DHS, USCIS to include the below in the rule, unfortunately the rule fails to address any of these issues.

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| 1. Greater stability and job flexibility for immigrant and non-immigrant workers only happens if "USCIS give EAD card for workers without involvement of employer".  2. USCIS should provide EAD's for who approved I140's after 6 months, with validity at least 3 to 5 years until availability of Visa number for green card.  3. The current rule is such a waste of time. And it does not give any surety or stability and job flexibility for immigrant high skilled worker.  4. For example: My case I came here in year of 2007 for peruse my master's Degree. I worked here for my OPT for 2 years and 7 months. My employer applied H1b because I'm Indian (population 1.2 billion), which Employment base green cards available country Quota. I'm right now 4th year of my H1b visa. I applied my labor filling through my employer in year of 2014.  5. After nine (9) long years I'm still, fighting for my status. I focused on my status than job. Fighting with my status I lost my enthusiasm towards new things to achieve my career goals. From past more than 5 years I'm working on same position with same salary.  6. For this rule still immigrant/non-immigrant high skill worker need to seek employer who Sponsor H1b visa. To find employer who sponsor H1b visas, Immigrant/non-immigrant high skill labor lost 90% of opportunities in this country.  7. If you change this rule to without employer involvement and applicant should work only high skill job. That should be solution for non-immigrant and immigrant workers.  8. I expect little freedom, but these rules have no freedom. Country based quota on employer based immigration system not fair for me (A country has more than 1.2 billion (India) to county has population less than 40,000(Monaco) has equal % of green card visa numbers available). |  |

Comment #5

The proposed and published rule doesn't bring any value or improvement to the already broken system. Once the PERM and I-140 petition are approved, it is proven that there is no other citizen or permanent resident of USA available with the same and required skillset and experience. Then why it still needs to go through repetitively with the same and lengthy process of PERM and I-140 approval if the person changes the employer after 6 months? This is ridiculous process. Once, I-140 immigrant petition is approved after a so lengthy process and high scrutiny, why the beneficiary still needs to maintain another non-immigrant petition based H-1b or other visa? He/she must be entitled to EAD/AP, if you really want to modernize the system and improve the economy. EAD/AP to all I-140 approved beneficiaries would open up the job market to its true potential and wages will not be compromised for the US citizens and permanent residents. Keeping I-140 approved beneficiaries still locked on H-1b or any other non-immigrant status would keep damaging the wages earned by US citizens and permanent residents which is not good for the country and its economy. So, I propose to change this published rule to provide EAD/AP to all the beneficiaries of approved I-140, not only to very limited beneficiaries only with 'compelling reasons'. I hope you consider this to modernize the system in real sense as per President's real motive for the benefit of the country and its citizens in the short and long run.

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