



February 27, 2023

Ms. Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue N.W.
Washington, D.C. 20529

RE: Docket RIN 1615-AC68 U.S. Citizenship and Immigration Services Fee
Schedule and Changes to Certain Other Immigration Benefit Request
Requirements

Dear Director Jaddou:

The American Council of Engineering Companies (ACEC) – the national voice of America’s engineering industry – would like to share our comments on the notice of proposed rulemaking (NPRM) regarding changes to employment-based visa fees.

Founded in 1906, ACEC is a national federation of 51 state and regional organizations representing more than 5,500 engineering firms and nearly 600,000 engineers, surveyors, architects, and other specialists nationwide. ACEC member firms drive the design of America’s infrastructure and built environment.

Engineering firms need access to talented, highly skilled workers. Data from the Bureau of Labor Statistics shows that the engineering workforce is already at full employment. The ACEC Research Institute’s analysis of the Infrastructure Investment and Jobs Act (IIJA) finds that we will need an additional 82,000 engineers and other professionals to deliver the projects funded under the new program. The Institute also highlighted concerns about capacity in a recent quarterly engineering business sentiment study when it reported that 51 percent of firms have turned down work specifically due to workforce shortages.

ACEC supports policies that grow the pool of engineers, such as the STEM education programs in the CHIPS and Science Act. Expanded STEM education is a long-term solution to the workforce needs of engineering firms. At the same time, we need to align

the nation's immigration policies in a way that will enable firms to hire global talent when the pool of engineering graduates is not sufficient to meet growing demand.

As the data above indicate, there are not enough U.S. citizens to meet the workforce needs of engineering firms. Other industries, including tech, manufacturing, and finance, recruit and hire engineers. Moreover, many of the engineering students at U.S. universities are foreign nationals. The American Society for Engineering Education reports that in 2019 over half of engineering master's and doctoral degrees awarded by U.S. universities were earned by international students.

ACEC member firms use Optional Practical Training, H-1B visas, and employment-based green cards to supplement their workforce when qualified Americans are not available. We understand the need to periodically update visa fees to reflect inflation and provide necessary funds for the USCIS operational budget and that these fees have not been adjusted since 2016. However, we are concerned that the fee increases proposed in the NPRM exceed inflationary adjustments.

Engineering firms already pay thousands of dollars in fees and legal costs each time they sponsor an employee through the H-1B visa or employment-based green card process. This includes visa renewals and repeated attempts to secure an H-1B visa in the lottery if the first attempt is not successful. USCIS has proposed increasing multiple fees throughout the H-1B visa and employment-based green card processes. For example, the nonrefundable H-1B pre-registration fee would rise from \$10 to \$215. The fee for filing the Form I-485 application (adjustment of status for green card) with the EAD (supplemental work authorization) and AP (supplemental travel authorization) is currently \$1,225. USCIS is now proposing three separate filing fees when the employer is seeking to file the EAD and AP with the I-485 which would increase the overall cost to \$2,820.

On top of these increased fees, USCIS is proposing that employers should carry the costs of the asylum system by imposing a \$600 asylum program fee on all employers sponsoring temporary workers or workers for permanent residence visas. The fee would apply each time an employer used Form I-129 for an initial petition, change of status, or extension of stay. USCIS has suggested that the agency believes that employers have the ability to pay the asylum program fee on top of other substantially increased fees.

The proposed fee increases will place a significant financial burden on all engineering firms, particularly small and mid-size firms. Seventy-six percent of ACEC member firms have 50 or fewer employees and 87 percent have 100 or fewer employees. No ACEC member firm has unlimited funds for the ever-growing costs of the visa process and yet all face the same workforce shortages.

Firms may limit the financial impact by moving away from pre-registering some employees for multiple years in the H-1B visa lottery and waiting until their work authorization is about to expire rather than when they have a few years left on their OPT visa. This would reduce their chances of obtaining an H-1B visa.

As you know, employers are required to cover visa costs for employees but not for family members. Another potential consequence of this substantial proposed cost increase would be employers declining to cover the visa fees for an employee's spouse or dependents. Although this might be the only financially viable choice for the employer, it could alter an employee's decision-making about pursuing the visa process with that employer.

When undertaking the regular updates to its fee schedule, USCIS needs to find a balance so that engineering firms and other employers can access the talent they need. We urge USCIS to revise the proposed fee schedule with more moderate increases that reflect inflation and to seek congressional appropriations to cover the costs of processing asylum claims. Thank you for your consideration and please let us know how we can assist in this matter.

Sincerely,

A handwritten signature in black ink, reading "Linda Bauer Darr". The signature is written in a cursive, flowing style with a large initial "L".

Linda Bauer Darr
President & CEO