



## **NASSCOM STATEMENT: DELAY ON DHS RULE ON H-1B ALLOCATION**

On February 4<sup>th</sup>, 2021, the U.S. Department of Homeland Security (DHS) announced a notice for proposed delay of a rule issued in the final days of the Trump Administration that sought to change the existing H-1B selection process to prioritization based on wage level. Under the proposal, DHS will push the effective date of the rule from March 9<sup>th</sup> 2021 to December 31, 2021. Also during the delay, DHS will review the rule as a whole for potential changes or rescinding it. The notice is to be published in the Federal Register on February 8<sup>th</sup>, 2021. Comments on the proposed delay will be accepted for 30 days post-publication. This follows an announcement by the U.S. Department of Labor earlier this week to delay the effective date of the final rule affecting wages for H-1B workers to May 14, 2021.

NASSCOM welcomes this announcement by DHS including undertaking a detailed review of the rule. Rather than follow the clear language and intent of the statute, the agency had sought to move from the existing selection process for H-1B visas. Prioritizing purely on wage levels has the potential to significantly damage some of the most innovative companies in the world along with many hospitals and health care providers, research facilities, universities and other petitioners.

We believe it is important for the U.S. to be able to access talent critical to the COVID recovery phase. While NASSCOM member companies have increased local hiring and focus their efforts on local STEM skills development, the visa program bridges a critical skills gap, enabling America to become more competitive globally. NASSCOM will be filing comments in support of the delay and look forward to also sharing our views with DHS as it reviews the rule as a whole.

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