



December 21, 2023

VIA WEB SUBMISSION:

Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Policy and Strategy
c/o Charles L. Nimick
5900 Capital Gateway Dr.
Camp Springs, MD 20588-0009

RE: SABA North America's comments on USCIS's proposals for modernizing H-1B requirements

Dear Mr. Nimick:

The South Asian Bar Association of North America ("SABA North America") hereby respectfully submits the following comment on response to the request for comments on USCIS's proposal for "Modernizing H-1B Requirements, Providing Flexibility in the F-1 Program, and Program Improvements Affecting Other Nonimmigrant Workers", published in the Federal Registrar on October 23, 2020.

By way of background, SABA North America was formed in the aftermath of 9/11. SABA North America is the voice of South Asian legal professionals in North America. Our mission is to strengthen the rapidly growing South Asian legal community with a recognized and trusted forum for professional growth and development, and to promote equal rights and access to justice for the South Asian community. Our membership includes 30 chapters across the United States and Canada and approximately 10,000 members, primarily made up of legal professionals in the United States and Canada.

First, SABA North America notes that it has joined on to the Multi-Sector Comment on Specialty Occupation from 74 Organizations letter that was submitted earlier today, on December 21, 2023, regarding the proposed changes relating to the definition of "specialty occupation" and selection criteria for specialty occupation positions. As such, any comments relating to this part of USCIS's proposals, we would refer to the positions outlined in that letter.

Second, this letter seeks to address a specific proposed change regarding the registration process and selecting registrations by a unique beneficiary ID rather than registrations under the general lottery. We commend this proposed change, and agree that it should help prevent further misuse and fraud in the system, by eliminating multiple registrations on behalf of the same beneficiary. However, we are concerned about transparency in the program. Under the current proposal, the various employers would have no transparency into the multiple registrations, but yet would be

asked if they wish to submit a petition on behalf of the beneficiary. By doing so, this effectively gives the beneficiary great bargaining power at the cost of employers. At the minimum, we believe that when USCIS informs the employers of the selection notification that it also inform the employer if there are multiple registrations for this beneficiary. This would at least allow the employer to make a decision if it should proceed forward with the petition on the beneficiary's behalf. But, it would not disclose who the other prospective employers are, nor how many. We believe this compromise is the best outcome for both parties. It still allows the beneficiary his / her bargaining power, while maintaining some degree of transparency for the prospective employers who spend great expense on such candidates.

We commend USCIS on its proposals to modernize the H-1B process and appreciate the ability to give input on these proposals. We wish to continue to work with USCIS as it considers these important matters.

Sincerely,

SABA North America