



**College and University Professional
Association for Human Resources**

September 24, 2026

Joseph B. Edlow, Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Comments in Response to Notice of Proposed Rulemaking, “Fee for Certain H-1B Petitions,” Docket No. USCIS-2026-0298, FR Doc. 2026-17324, published at 91 FR 54817 (August 25, 2026); RIN 1615-AD20

Dear Mr. Edlow:

On behalf of the College and University Professional Association for Human Resources (CUPA-HR), I write in response to the above-mentioned Notice of Proposed Rulemaking (NPRM) to express our appreciation for the Department of Homeland Security (DHS) and United States Citizenship and Immigration Services’ (USCIS) decision to exclude H-1B petitions that are not subject to the annual cap¹ from the proposed fee. This exclusion is particularly important to institutions of higher education that rely on the H-1B program to recruit world-class researchers, faculty, and specialized professionals whose work is critical to advancing the United States’ national interests.

CUPA-HR serves as the voice of human resources in higher education, representing more than 25,000 human resources professionals and other higher education leaders at more than 1,725 member organizations across the country.

The NPRM would establish a \$103,265 fee for all H-1B cap-subject petitions, including petitions eligible for the 20,000 advanced-degree exemption. The proposed fee would not apply to H-1B petitions that are not subject to the annual cap, including qualifying extensions and amended petitions for workers previously counted against the cap, as well as petitions filed by qualifying cap-exempt employers such as institutions of higher education, affiliated nonprofit entities, nonprofit research organizations, and governmental research organizations.^{2 3} CUPA-HR welcomes DHS and USCIS’s decision not to extend the proposed fee to these petitions, which

¹ Cap-subject petitions are those subject to the annual H-1B limit of 85,000, consisting of the general 65,000 cap and an additional 20,000 for beneficiaries with a U.S. master’s degree or higher.

² *Fee for Certain H-1B Petitions*, 91 FR 54817 (August 25, 2026).

<https://www.federalregister.gov/documents/2026/08/25/2026-17324/fee-for-certain-h-1b-petitions>

³ DHS has decided that exempting those organizations is consistent with the application of the asylum program fee on such petitioners as explained in *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements*, 89 FR 6194 (January 21, 2024).

<https://www.federalregister.gov/d/2024-01427/page-6206>

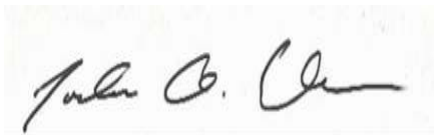
appropriately reflects the important role H-1B workers at institutions of higher education play in supporting the U.S. economy and national security.

U.S. colleges and universities hire professionals through the H-1B program across a range of disciplines and environments, including faculty, researchers, and physicians. These individuals conduct groundbreaking federally funded research, teach students, provide medical services to local communities, and offer advanced training programs. H-1B workers additionally fill labor force gaps by providing specialized expertise in STEM, health sciences, engineering, and other high-demand fields where domestic talent pipelines remain insufficient, all of which are vital to U.S. national interests.

CUPA-HR acknowledges and shares the administration's goal of ensuring that the H-1B program complements the American workforce while providing employers access to highly skilled talent where needed. For colleges and universities, access to H-1B talent is critical to fulfilling their teaching, research, healthcare, and public-service missions. As nonprofit institutions, higher education institutions cannot readily absorb a \$103,265-per-hire fee. Extending the proposed fee to qualifying higher education petitions would result in colleges and universities forgoing critical hires and retreating from the global talent recruitment that keeps U.S. institutions competitive. The consequences would fall directly on students and communities: H-1B workers at universities train domestic students for high-demand fields, conduct essential research, deliver patient care, and sustain core institutional operations. CUPA-HR therefore appreciates DHS's decision not to extend the proposed fee to qualifying higher education petitions and urges the Department to retain this exclusion in any final rule.

We thank you for the opportunity to submit these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh B. Ulman", is written over a light blue horizontal line.

Josh Ulman
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