



The Colorado Health Foundation™

October 28, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

Submitted electronically via [Regulations.gov](https://www.regulations.gov)

RE: Comments on Eliminating the Discretionary 60-Day Grace Period; Docket No. USCIS-2026-0364;
RIN 1615-AD22

Dear Secretary Mullin,

Thank you for the opportunity to provide comments on the Department of Homeland Security's (DHS) proposed rule to eliminate the discretionary 60-day grace period for certain employment-based nonimmigrants and their dependents. The Colorado Health Foundation ("CHF" or "the Foundation") is a statewide, nonprofit and nonpartisan philanthropic organization with a mission to improve the health and well-being of Coloradans. Through community engagement, research, grantmaking, and private sector investments, the Foundation works to ensure that everyone in Colorado has what they need to be healthy.

The Foundation recognizes DHS's responsibility to administer employment-based immigration programs and ensure compliance with applicable immigration law. However, we are concerned that eliminating the existing grace period would create unnecessary instability for workers and families, disrupt employers' ability to retain qualified professionals, and potentially exacerbate health care workforce shortages in Colorado and across the country. The current regulation provides a limited period for eligible workers whose employment ends to secure new sponsorship, pursue another lawful immigration option, or prepare to depart the United States.

In contrast, this proposed rule would eliminate this important flexibility for individuals in E-1, E-2, E-3, H-1B, H-1B1, L-1, O-1, and TN status, as well as for their dependents. Workers whose employment ends would generally be required to depart immediately unless they have another lawful basis to remain. DHS states that the change would more closely align immigration status with qualifying employment and reduce administrative burden. However, the Foundation is concerned that these objectives do not adequately account for the consequences for workers, families, employers, and communities that rely on their contributions to their local communities.

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For these reasons, the Foundation respectfully urges DHS to withdraw this proposed rule and to retain the existing 60-day grace period.

As outlined below, the Foundation is concerned that:

- Eliminating the grace period could exacerbate health care workforce shortages, particularly in rural and underserved communities, by making it more difficult for internationally trained physicians and other healthcare professionals to transition between employers.
- The proposal could create significant financial and family instability for affected workers and their dependents, including disruptions to employment, housing, and health insurance coverage that can negatively affect health and well-being.
- Removing the grace period could impose additional costs on employers and undermine workforce retention

Eliminating the grace period could exacerbate health care workforce shortages and disrupt access to care.

Like many other states, territories, and tribal nations, Colorado faces persistent challenges recruiting and retaining health care professionals, particularly in rural and underserved communities. Internationally trained physicians and other specialized workers play an important role in the nation's health care workforce, including at community health centers, hospitals, academic medical centers, and research institutions. The existing 60-day grace period allows eligible workers to pursue new employment following an unexpected job loss without immediately leaving the country. Eliminating this period could make it more difficult for health care organizations to recruit qualified professionals already working in the United States and for workers to transition between employers. These challenges could be particularly significant for rural hospitals, community health centers, and smaller health care organizations that may lack the administrative capacity to complete immigration sponsorship processes immediately.

Recent research from the [Migration Policy Institute](#) highlights the importance of employment-based immigration pathways for internationally trained physicians. The analysis notes that the proposed elimination of the grace period would affect H-1B physicians working for both cap-subject and cap-exempt employers, including teaching hospitals, and could discourage physicians from accepting positions with smaller or financially vulnerable employers, such as rural hospitals serving communities with limited access to health care.

For Colorado communities already experiencing limited access to medical professionals, additional barriers to retaining qualified physicians and other health care workers could worsen existing workforce challenges and delay access to needed services. The Foundation urges DHS to withdraw this proposed rule and to more fully evaluate the potential effects of such policies on health care workforce recruitment and retention, particularly in rural and medically underserved areas.

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The proposal could create significant financial and family instability with consequences for health and well-being.

Employment stability and economic security are closely connected to health. Access to consistent income, employer-sponsored health insurance, and stable housing helps individuals and families meet basic needs and maintain access to care. The proposed rule could disrupt these foundations by requiring affected workers and their dependents to leave the United States immediately following an employment termination, even when the loss of employment is involuntary.

Workers facing unexpected layoffs could lose wages, experience interruptions in health coverage, and incur substantial relocation expenses while attempting to secure new employment or pursue another lawful immigration pathway. Dependent spouses and children could face similar disruptions, including the loss of employment authorization for certain spouses. These consequences could affect families who have established homes, enrolled children in schools, and contributed to their local communities over several years.

The Foundation is concerned that eliminating the grace period would introduce additional uncertainty for workers and their families already navigating complex immigration requirements. Preserving a reasonable transition period would help individuals maintain stability while pursuing lawful employment opportunities or arranging their departure, reducing avoidable disruptions to their health and well-being.

Eliminating the grace period could impose additional costs on employers and undermine workforce retention.

The proposed rule identifies reducing administrative burden as a principal justification for eliminating the grace period. However, DHS also acknowledges that the change could result in lost wages, additional travel and relocation expenses, and employment disruptions for affected workers and their dependents. These consequences may also impose costs on employers seeking to recruit or retain qualified professionals.

The existing grace period provides employers with an opportunity to recruit eligible workers already residing in the United States and allows workers to pursue new employment without first leaving the country. Eliminating this flexibility could increase recruitment costs, delay hiring, and create additional administrative challenges, particularly for smaller employers and organizations operating in communities where qualified workers such as skilled healthcare professionals are difficult to replace.

These concerns are particularly relevant to Colorado's health care providers, research institutions, and other employers that depend on specialized workers. In its regulatory analysis, DHS estimates that approximately 3,795 workers annually had new employer petitions filed during the grace period



between fiscal years 2021 and 2025, approximately 99 percent of whom were H-1B workers. This suggests that the grace period serves an established role in facilitating lawful employment transitions.

Importantly, the current grace period does not provide indefinite authorization to remain in the United States or eliminate the requirement to maintain lawful immigration status. Rather, it offers a limited transition period during which affected individuals must pursue another lawful immigration option or ultimately depart the country.

The Foundation encourages DHS to withdraw this proposed rule and consider whether its stated administrative objectives could be achieved through less disruptive alternatives that more fully account for the costs associated with workforce turnover, delayed hiring, and additional immigration processing. Maintaining the existing grace period would preserve a mechanism that supports lawful employment transitions while allowing DHS to continue enforcing applicable immigration requirements.

Conclusion

The Colorado Health Foundation recognizes the importance of maintaining the integrity of employment-based immigration programs. However, eliminating the 60-day grace period could create unnecessary instability for workers and families, make it more difficult for Colorado employers to recruit and retain qualified professionals, and exacerbate health care workforce challenges in rural and underserved communities.

The Foundation respectfully urges DHS to withdraw the proposed rule and retain the existing 60-day grace period for eligible employment-based nonimmigrants and their dependents. We encourage DHS to engage with employers, health care organizations, affected workers, and other stakeholders to evaluate the proposal's potential effects on workforce stability, family well-being, and access to health care before pursuing changes to the existing framework.

The Foundation appreciates your consideration of our comments. If you have any questions, please contact Kyle Rojas Legleiter, Colorado Health Foundation Senior Director of Policy, at klegleiter@coloradohealth.org or 303-953-3618.

Sincerely,



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