



October 23, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin L. King Avenue SE
Washington, DC 20528

Re: Weighted Selection Process for Registrants and Petitioners Seeking to File Cap-Subject H-1B Petitions

Dear Secretary Noem:

On behalf of the more than 37 million Americans living with kidney diseases and the 22,000 nephrologists, scientists, and other kidney health care professionals represented by the American Society of Nephrology (ASN), ASN strongly urges the agency and the Administration to withdraw the Department of Homeland Security's proposed rule "Weighted Selection Process for Registrants and Petitioners Seeking to File Cap-Subject H-1B Petitions (DHS Docket No. 2025-0040 - RIN 1615-AD01)" and to maintain the current process.

The field of nephrology continues to face critical shortages of physicians, particularly in rural and smaller communities. International Medical Graduates (IMGs) are essential to helping meet the increasing demand for specialized kidney health care, and the H-1B non-immigrant visa program is how many institutions are able to sponsor them to be present and work in the United States. IMGs provide care for millions of Americans and represent one in four US physicians, more than 50% of the nephrologists in the United States, and nearly two-thirds of this country's nephrology fellows. Without these individuals, many of the 37 million Americans living with kidney diseases—including more than 800,000 individuals with kidney failure who depend on dialysis or transplantation, especially those in rural, underserved, or economically disadvantaged areas—would face serious (and in some cases insurmountable) barriers to accessing the specialized care they need to stay alive.

While far from perfect, the current selection process better allows the field of nephrology (and other medical subspecialties) to recruit much needed talent from overseas to help address such shortages.

The proposed changes to the H-1B lottery would make it financially and procedurally difficult, if not impossible, for non-profit hospitals, clinics, and other medical institutions to sponsor

IMGs. If put into effect, the changes would likely lead to greater shortages of available nephrologists and other practitioners.

Physicians may earn more than most occupations, but the proposal would weight petitions by wage levels within an occupational code rather than by actual salary relative to all occupations. Most IMGs, including those in nephrology, are relatively early in their careers and as such, are rarely sponsored at the higher wage-level bands. So, despite the essential need for these physicians and the fact that they are well paid on a relative basis, the proposed rule would provide them with fewer entries in the lottery and significantly diminish the likelihood their employer's H-1B petition would be selected for consideration.

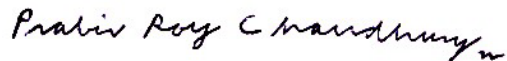
The statute calls for the random selection of H-1B petitions for adjudication. There is nothing in the statute or existing regulations allowing for prioritization by wage or wage level. This was by design and a clear recognition that neither a petitioner's wage nor wage level is an indication of their value to the U.S. or potential impact on the country and its populace.

The proposed weighted lottery would advantage the wealthiest industries and employers and worsen labor market shortages in other critical sectors, such as nephrology. The consequence of the proposed rule will include an increase in the 73% of counties who already do not have a nephrologist, longer wait times to see a physician or receive treatments/procedures, and an increase in mortality for individuals burdened by kidney diseases.

For these and other reasons ASN again strongly urges DHS to reject the proposed rule and maintain the current selection process for H-1B petitions.

Again, thank you for the opportunity to comment on this proposed rule. Besides making this request, ASN offers to provide expert input and help however possible as the Department of Homeland Security works to ensure Americans have access to the specialized kidney care only nephrologists can provide. To discuss this letter, ASN's position on this issue, or the society, please contact ASN Executive Vice President Tod Ibrahim at tibrahim@asn-online.org.

Sincerely,

A handwritten signature in black ink that reads "Prabir Roy-Chaudhury" with a stylized flourish at the end.

Prabir Roy-Chaudhury, MD, PhD, FASN
President