

United States Senate
WASHINGTON, DC 20510

November 8, 2007

The Honorable Michael Chertoff
U.S. Department of Homeland Security
Office of the Secretary
3801 Nebraska Avenue, NW
Washington, D.C. 20393

Dear Secretary Chertoff,

We applaud your commitment, announced on August 10, to pursue “potential administrative reforms to visa programs for the highly skilled.” In connection with that commitment, we urge the Department of Homeland Security to extend the Optional Practical Training (OPT) period permitted to foreign students from 12 to 29 months.

On April 3, 2007, the United States Citizenship and Immigration Service (USCIS) stopped accepting H-1B visa petitions filed against the FY08 cap. This, in effect, limited the H-1B filing period to a single day. Because U.S. universities typically award degrees in May or June, thousands of domestic employers lost the opportunity to file H-1B petitions on behalf of foreign graduates who had not yet received their degrees. Consequently, many highly qualified 2007 graduates of U.S. universities who had exhausted their 12-month OPT period during their course of study were unable to remain in the U.S. and instead accepted positions in competitor countries. Additionally, because demand for H-1B visas far exceeded the number of petitions, many 2006 graduates of U.S. universities who had completed one year of post-graduation OPT were unable to secure H-1B visas. These professionals were also lost to competitor countries, and their employers lost the investment made in training the professionals.


We are concerned that the shortage of H-1B visas for professional workers threatens America’s economic competitiveness. The long-term solution to this problem must come from Congress, and we are committed to promoting meaningful legislative remedies including increasing the number of H-1B and employment-based visas and improving administration and enforcement of visa programs. But in the interim, DHS has ample authority to effect a regulatory change augmenting the OPT period from 12 to 29 months. This extension would enable U.S. employers to retain at a critical juncture highly skilled foreign graduates for whom H-1B visas are not immediately available.

The extension would also recognize the significance of OPT, which has long performed an important function by allowing foreign students to complement their U.S. academic training

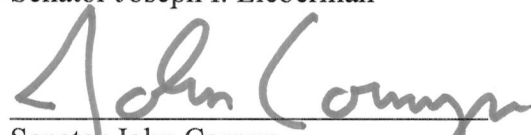
with practical field training. The value of OPT would be enhanced further if it could also more effectively enable highly skilled individuals educated in the U.S. to provide their services to U.S. employers without unnecessary interruption while they await permission to change from student status to professional worker status.

We appreciate your efforts to reform visa programs for highly skilled workers and hope you will act quickly and sensibly to expand the OPT period.

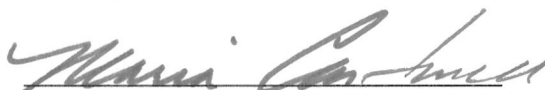
Sincerely,



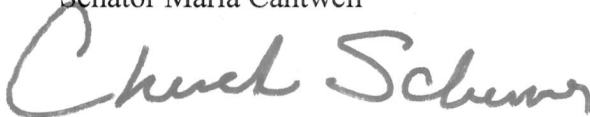
Senator Joseph I. Lieberman




Senator John Cornyn



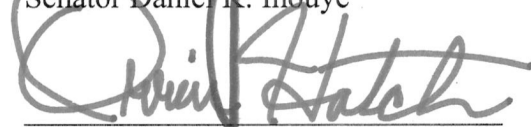
Senator Maria Cantwell



Senator Charles E. Schumer




Senator Daniel K. Inouye



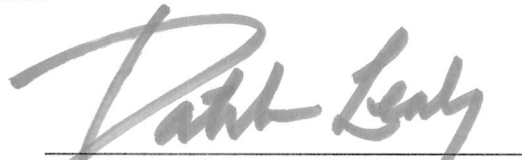
Senator Orrin G. Hatch



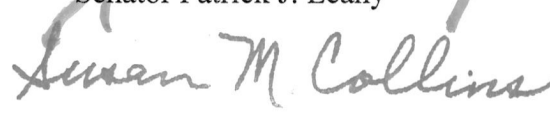
Senator Robert F. Bennett



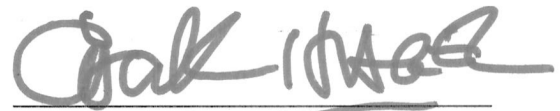
Senator Patty Murray




Senator Patrick J. Leahy



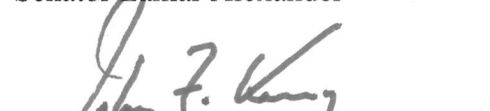
Senator Susan M. Collins




Senator Chuck Hagel



Senator Lamar Alexander



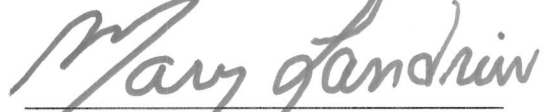
Senator John F. Kerry



Senator Daniel K. Akaka



Senator Gordon H. Smith



Senator Mary L. Landrieu

Mike Crapo

Senator Mike Crapo

George V. Voinovich

Senator George V. Voinovich

Bill Nelson

Senator Bill Nelson
