



# DHS Reforms To Attract And Retain Highly Skilled Immigrants

Release Date: January 31, 2012

The President is deeply committed to fixing our broken immigration system so that it meets our 21<sup>st</sup> century national security and economic needs. As a part of comprehensive immigration reform, the President supports legislative measures that would attract and retain immigrants who create jobs and boost competitiveness here in the U.S., including creating a "Startup Visa," strengthening the H-1B program, and "stapling" green cards to the diplomas of certain foreign-born graduates in science, technology, engineering, and math (STEM) fields. Together these actions would help attract new businesses and new investment to the U.S. and ensure that the U.S. has the most skilled workforce in the world. In the meantime, the Obama Administration is working to make improvements in the areas where we can make a difference.

As part of these ongoing efforts and in recognition of the one-year anniversary of the [White House Startup America Initiative](#), the Department of Homeland Security today announced a series of administrative reforms which will be completed in the future. These reforms reflect the Administration's continuing commitment to attracting and retaining highly-skilled immigrants. These efforts are critical to continuing our economic recovery and encouraging job creation.

In last week's State of the Union, President Obama noted that "Innovation is what America has always been about. Most new jobs are created in start-ups and small businesses." He also stated in his remarks in El Paso last May, "In recent years, a full 25 percent of high-tech startups in the United States were founded by immigrants, leading to more than 200,000 jobs in America." Echoing this, the President's Council on Jobs and Competitiveness stated in its recent report, "Highly skilled immigrants create jobs, they don't take jobs." The initiatives described below will serve to make the United States more attractive to highly-skilled foreign students and workers, thereby improving the competitiveness of U.S. companies in the world market and stimulating U.S. job creation.

- **Expand eligibility for 17-month extension of optional practical training (OPT) for F-1 international students to include students with a prior degree in Science, Technology, Engineering and Mathematics (STEM).**

Presently, an F-1 student may only engage in optional practical training (OPT) for 12 months. F-1 students who graduate in programs of study classified as STEM can obtain a 17-month extension of OPT as part of their F-1 status if the degree they were conferred is included on the DHS list of eligible STEM degree programs. This proposed change would expand eligibility for extension of OPT by including students with a STEM degree that is not the most recent degree the student has received. Furthermore, because of the dynamic nature of STEM related education and training, DHS will continue to review emerging fields for possible inclusion in the list of eligible STEM degree programs.

- **Allow for additional part-time study for spouses of F-1 students and expand the number of Designated School Officials (DSOs) at schools certified by DHS to enroll international students.**

This regulatory reform would allow spouses of F-1 students to enroll in additional academic classes on a part-time basis while their spouse is pursuing full-time studies. Presently, under the current regulation, spouses may only take part-time vocational or recreational classes. Schools would also be given increased flexibility to determine the number of DSOs needed at their institution to meet both the administrative and guidance needs of students.

- **Provide work authorization for spouses of certain H-1B holders.**

This proposed change to the current DHS regulation would allow certain spouses of H-1B visa holders to legally work while their visa holder spouse waits for his or her adjustment of status application to be adjudicated. Specifically, employment will be authorized for H-4 dependent spouses of principal H-1B visa holders who have begun the process of seeking lawful permanent

resident status through employment after meeting a minimum period of H-1B status in the U.S. This effort will help retain talented professionals who are valued by U.S. employers and who seek to contribute to our economy.

- **Allow outstanding professors and researchers to present a broader scope of evidence of academic achievement.**

This proposed change to the current DHS regulation would increase the types of evidence that employers can submit to demonstrate that a professor or researcher is among the very best in their field. Presently, applicants for the employment-based immigrant visa category of "outstanding professors and researchers" are limited to specific types of evidence listed by regulation. This would allow "comparable evidence" beyond the specifically articulated regulatory list. This change will harmonize the evidentiary standard for this category with the other exceptional ability immigrant visa categories.

- **Harmonize rules to allow E-3 visa holders from Australia and H-1B1 visa holders from Singapore and Chile to continue working with their current employer for up to 240 days while their petitions for extension of status are pending.**

This proposed regulation would treat E-3 and H-1B1 visa holders the same as other employment-based H-1B and L-1 visa holders by allowing them to continue employment with their current employer for up to 240 days from the expiration of their authorized period of stay, if a petition to extend their status has been timely filed.

- **Launch Entrepreneurs in Residence initiative**

On February 22, 2012, USCIS will launch its [Entrepreneurs in Residence](#) initiative with an Information Summit in Silicon Valley, CA, that will bring together high-level representatives from the entrepreneurial community, academia, and federal government agencies to discuss how to maximize current immigration laws' potential to attract foreign entrepreneurial talent. The Entrepreneurs in Residence initiative builds upon DHS's [August announcement](#) of efforts to promote startup enterprises and spur job creation. The Information Summit will focus on ensuring that immigration pathways for foreign entrepreneurs are clear and consistent, and better reflect today's business realities. The Summit will include a special recognition of outstanding contributions made by immigrant entrepreneurs to our nation's economic growth and prosperity. The input gathered at the summit will inform the work of the Entrepreneurs in Residence tactical team, which will bring business experts in-house to work alongside USCIS staff for a period of approximately 90 days. Following the summit, the tactical team will convene in Washington, DC to begin its work. To learn more about the summit, please visit [Entrepreneurs in Residence Information Summit](#).

This page was last reviewed/modified on January 31, 2012.