

United States Senate

WASHINGTON, DC 20510-2102

January 20, 2011

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, DC 20393

Dear Secretary Napolitano,

I am writing in reference to troubling reports I have received from teaching hospitals in my home state of Massachusetts. Several of these institutions have run into issues obtaining H-1B visas for their foreign researchers, physicians, clinical fellows, faculty and allied health professionals. They have received notification from the United States Citizenship and Immigration Services (USCIS) that these applications may no longer be exempt from the cap on H-1B applications.

Please clarify any new regulations or definitions pertaining to affiliated medical schools and teaching hospitals obtaining H-1B visas.

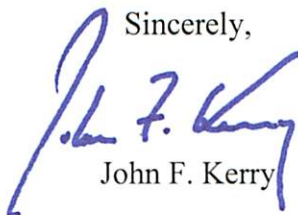
Up until now the robust medical school and hospital community in Massachusetts has benefitted from the skills brought by foreign clinical and non-clinical medical professionals. Nonprofit institutions affiliated with academic institutions, such as our teaching hospitals, have been able to submit H-1B applications exempt from the cap and the \$1,500 fee assigned to non-exempt employers.

Recently these teaching hospitals have received Requests for Evidence from USCIS challenging their affiliations with medical schools. Understandably these hospitals are concerned that their exempt status may be reclassified. Therefore, I ask you to clarify any recent changes to H-1B visa affiliations regulations that affect teaching hospitals? Please provide any new or expanded definitions of affiliations.

I strongly oppose any attempt to reclassify Massachusetts teaching hospitals as non-exempt from the H-1B visa cap. It would have a negative impact on Massachusetts's ability to attract top notch medical professionals from around the world and put in jeopardy the high level of care we provide patients.

If you have any questions or need any additional information, please contact Alex Nunez of my office at 202-224-2742. I appreciate your attention to this issue and look forward to your reply.

Sincerely,



John F. Kerry