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January 27, 2011

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

Dear Secretary Napolitano:

I am writing in regards to concerns on reports that my staff and I have received from our Massachusetts-based teaching hospitals. A few of these esteemed medical institutions have recently encountered difficulties in the process to obtain H-1B visas for their valued foreign researchers, physicians, clinical fellows, faculty and allied health professionals. They have received notifications from the United States Citizenship and Immigration Services (USCIS) that these applications may no longer be exempt from the cap and fees on H-1B applications.

The Massachusetts medical school and hospital community have greatly benefitted from the skills and expertise of these foreign clinical and non-clinical medical professionals. Therefore, I kindly request that you please clarify any new regulations pertaining to affiliated medical schools and teaching hospitals applying for H-1B visas. Until this recent notification, nonprofit institutions associated with academic institutions, such as our teaching hospitals, have submitted H-1B applications exempt from the cap and the \$1,500 fee assigned to non-exempt employers.

The teaching hospitals have recently received Requests for Evidence from USCIS challenging their affiliations with medical schools. I understand the concerns of these hospitals related to their exempt status and agree with their position. In an effort to mitigate the potential negative impact on Massachusetts' ability to attract the highest quality medical practitioners from around the world, please provide more information pertaining to any new or modified definitions of affiliations. I would oppose any action to reclassify Massachusetts teaching hospitals with a non-exempt status from the H-1B visa cap.

If you have any questions or need additional information, please do not hesitate to contact me. Thank you for your consideration of this request.

Sincerely,



Scott P. Brown
United States Senator