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Job Creation Via Part of Comprehensive Immigration Reform

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Job Creation Via Part of Comprehensive Immigration Reform



President Obama and the White House are highly committed to revitalizing and energizing the United States' economy such as improving the competitiveness of U.S. companies in the world market and stimulating job creation in the United States (USA). In recognizing that most new jobs are created in start-ups and small businesses, on January 31, 2012, the White House announced its Startup America Initiative to promote high-growth entrepreneurship throughout the nation.

In recognizing that a full 25 percent of high-tech startups in USA were founded by immigrants leading to more than 200,000 jobs in USA, the US government is harmonizing its national security and economy as part of its commitment in Comprehensive Immigration Reform. One of these efforts is to attract and retain highly-skilled foreign students and workers to stimulate and improve USA economy and USA international economic competitiveness, and thus job creation.

As one of the efforts in implementing Startup America Initiative, the U.S. Department of Homeland Security (DHS) announced on January 31, 2012 the following immigration reforms, one or more of which have already begun, to energize USA economy:

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

This proposed change will enable employment authorization for H-4 dependent spouses of principal H-1B visa holders who have begun the immigration process of

employment-based lawful permanent resident status 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 will broaden the types of evidence that employers can submit to demonstrate that a professor or researcher is among the very best in their field, thereby broadening "comparable evidence" beyond the specifically articulated regulatory list.

- **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 afford continuous employment authorization to E-3 from Australia and H-1B1 visa holders from Singapore and Chile for up to 240 days beyond the expiration of authorized stay, for timely filed pending extension petition. This will harmonize E-2 and H-1B Chile and Singapore with other employment-based H-1B and L-1 visa holders.

- **Launch Entrepreneurs in Residence initiative**

In efforts to promote startup enterprises to further jump-start job creation, U.S. Citizenship and Immigration Services (USCIS) will be working with federal government agencies, entrepreneurs and academia to discuss strategies for maximizing immigration law to attract and harness talented entrepreneurial foreigners.

- **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).**

This proposed change will expand eligibility for extension of F-1 Student Status Optional Practical Training (OPT) by including students with a STEM degree that is not the most recent degree the student has received; and continuously reviewing 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 proposed change 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, regulation stipulates spouses may only take part-time vocational or recreational classes. Schools may also increase their Designated Student Officers (DSOs) to meet their students' needs.

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