

PROTECT US WORKERS
407 North Briggs Ave. #215
Sarasota, Fl. 34237
941-961-3046
sara@theblackwellfirm.com

September 10, 2019

ALL DOCUMENTS SUBMITTED VIA US MAIL AND EMAIL

Acting Director KENNETH CUCCINELLI
USCIS

Washington District Office
2675 Prosperity Avenue
Fairfax, VA 22031

Re: Status of Regulations on H4, OPT and B visas

Attention Acting Director Kenneth Cuccinelli,

Many months ago, the USCIS prepared new regulations on H4, OPT and B visas; however, those regulations have laid dormant to date. The USCIS completed all that is required for the changes, amendments, and revocations of H4 visa, OPT and B visas. It is time the office move forward on taking final action on all of these regulations. American workers have been waiting on the USCIS and Mr. Cuccinelli to make a move on these issues for entirely too long. A regulation prepared but not moved to finality is a waste of hard work and is an affront to the American people who are affected each day that the regulations simply sit in the USCIS computer.

The American workers who are included in the administration's Buy American Hire American initiative simply request a response to the following:

1. What is the status of the regulations on H4, OPT and B visas;
2. When can the American people expect for the USCIS and Mr. Cuccinelli to move forward with the H4, OPT and B visa regulations;
3. If the USCIS and Mr. Cuccinelli do not intend to move forward on these regulations in the next few months, then please explain the reason for such actions.

The thousands upon thousands of American workers await your response to these two simple questions.

Sincerely,

Sara Blackwell

Sara Blackwell
Protect US Workers



**U.S. Citizenship
and Immigration
Services**

November 15, 2019

Ms. Sara Blackwell
Protect US Workers
407 North Briggs Ave. #215
Sarasota, Florida 34237

Dear Ms. Blackwell:

Thank you for your September 10, 2019, letter requesting a status update on regulations to remove H-4 spouses of certain H-1B workers from the classes of aliens eligible to apply for employment authorization and revise the Optional Practical Training (OPT) and B nonimmigrant programs. Thank you as well for meeting with me on October 17, 2019, at which time you requested an expedited timeline for these regulations.

The Removing H-4 Dependent Spouses from the classes of Aliens Eligible for Employment Authorization rule is currently undergoing the interagency process required by Executive Order (EO) 12866. We cannot speculate on an exact date of publication. As we discussed during our meeting, we are limited in what we can say publicly about the H-4 regulation due to ongoing litigation.

Regarding the OPT and B rules, I similarly want to reiterate USCIS' and DHS's commitment to these rulemakings. Any perceived delay in the process is not due to a change in priorities and should not be seen as reflecting diminished interest in, or commitment to, these rules. With respect to OPT, I note that U.S. Immigration and Customs Enforcement (ICE), not USCIS, is leading this rule. While we work together in close partnership on matters like these, USCIS does not control the publication timeline. As such, I recommend that you contact ICE for a more firm estimate of a publication date. As we discussed in our meeting, USCIS will support ICE in any way we can to reform the OPT program. Similarly, the B regulation is on the Unified Agenda of U.S. Customs and Border Protection (CBP), and USCIS does not control the publication timeline. USCIS staff is working closely with CBP and other DHS staff to issue this regulation. Please contact CBP for more information.

USCIS remains committed to protecting the employment rates and wages of U.S. workers and, as such, we are proud to share some of our accomplishments. Over the past two years, USCIS has worked on a combination of rulemaking, policy memoranda, and operational changes to implement the Buy American and Hire American (BAHA) EO. These include updated policy guidance to prevent potential fraud and abuse by petitioners seeking to place H-1B workers at third-party worksites and guidance to ensure that fees for training U.S. workers are paid as required. We have also rescinded policies that generally allowed computer programmers to qualify as H-1B nonimmigrants and that required deference to past petition approvals. In

Ms. Sara Blackwell

Page 2

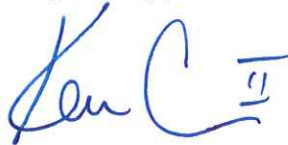
addition, we have clarified that officers have the discretion to deny petitions without first issuing a Request for Evidence. Notably, USCIS has also enhanced its targeted site visit program to ensure that the H-1B employment matches the employer's attestations. For more information, a list of our BAHA-related accomplishments can be found on our website.

Per the Unified Agenda, USCIS is also working on a regulation to strengthen the H-1B program. Through this rule, we will propose revising the definition of specialty occupation to increase focus on obtaining only the best and the brightest foreign nationals via the H-1B program, and revise the definition of employment and employer-employee relationship to better protect U.S. workers and wages. Moreover, DHS will propose additional requirements designed to ensure employers pay appropriate wages to H-1B workers.

In the coming year, we will persist in using every tool available to deliver on President Trump's promises to the American people, and continue to fulfill his goals to implement the BAHA EO and strengthen our nation's immigration system.

Thank you again for your letter and interest in this important issue.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ken Cuccinelli II". The signature is stylized with a large "K" and a long horizontal stroke at the end.

Ken Cuccinelli II
Acting Director