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Congress of the United States
House of Representatives

July 15, 2019

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Kenneth T. Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, D.C. 20529

Dear Acting Director Cuccinelli:

I am writing to express my concerns regarding the slow processing times associated with the Optional Practical Training (OPT) applications and the subsequent difficulties as a result of these delays. Unfortunately, these delays have caused our students in New Jersey who plan to use "pre-completion" OPT for a summer internship.

As you are aware, OPT permits international students who are studying in the United States to apply for temporary employment opportunities as "practical training" with an employer within the United States that is germane and directly related to the student's major area of study. This can include the use of "pre-completion" OPT for student internships in the United States. For example: students at Princeton University have utilized pre-completion OPT to gain invaluable experiences and exposures through the wide variety of fields including at hospitals, start-up companies, non-profits, and major corporations here in the United States. These experiences complement the students' campus education and can help prepare them for their post-college career.

Unfortunately, the ability of international students to take advantage of pre-completion OPT is at risk due to the processing delays associated with these applications. Processing times for OPT applications have increased from a previous maximum of 90 days in 2016 to an average of three to five months today. This delay results in a true catch-22 because students cannot even apply for OPT until 90 days before their start date; as a result, the lengthy processing times virtually ensure that OPT applicants will not be able to begin their jobs on time. The problems are particularly acute for students using OPT for a time-constrained opportunity, such as a summer internship: by the time students receive their employment authorization – even if they applied for OPT approval on the earliest possible date – the summer internship will be nearly over.

At Princeton, for example, the delays have had serious impacts on students, with only 42 out of 90 undergraduates who applied for OPT this summer having received approval. Many of the remaining students have already surpassed the start dates for their internships and some have lost out on the position altogether. There are still 31 applications that are pending, and at least 17 out of the 90 have withdrawn their applications assuming they would not be processed in time.

Co-Chairman of the following: Task Force on Alzheimer's Disease • Bi-Partisan Taskforce for Combating Anti-Semitism • Lyme Disease Caucus
Coalition for Autism Research and Education • Bi-Partisan Congressional Pro-Life Caucus • Bosnia Caucus • Poland Caucus • Ad Hoc Congressional Committee for Irish Affairs
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Malaria and Neglected Tropical Diseases Caucus • Hong Kong Caucus • Congressional Pediatric and Adult Hydrocephalus Caucus

In addition to the loss of practical experience, the delays are also causing a financial strain, as these students suddenly find themselves without summer employment.

I was encouraged to read that the United States Citizenship and Immigration Services (USCIS) is currently working to address the backlog of green card applications at overburdened processing centers. I urge you to provide similar relief for the processing centers charged with OPT approvals and work to decrease the processing times associated with this valuable program.

Thank you for your consideration and please reach out to my staff, Courtney Fellows at Courtney.fellows@mail.house.gov, regarding updates on the processing of these applications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Smith", is written over the word "Sincerely,".

CHRISTOPHER H. SMITH
Member of Congress



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

August 15, 2019

The Honorable Christopher Smith
U.S. House of Representatives
Washington, DC 20515

Dear Representative Smith:

Thank you for your July 15, 2019, letter regarding processing times associated with Optional Practical Training (OPT) applications, specifically applications for pre-completion OPT.

U.S. Citizenship and Immigration Services (USCIS) recently experienced a surge in employment authorization requests related to OPT, including applications for pre-completion OPT. As a result, USCIS currently has a backlog of OPT employment authorization requests pending beyond the standard 90-day processing time. We are working to reduce this backlog as quickly as possible. USCIS has devoted additional resources to address the issue, including initially tripling the number of officers assigned to adjudicate these cases and training additional adjudicators to work on this caseload.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, reading "Ken C II". The signature is stylized, with the "K" and "C" being prominent.

Ken Cuccinelli II
Acting Director