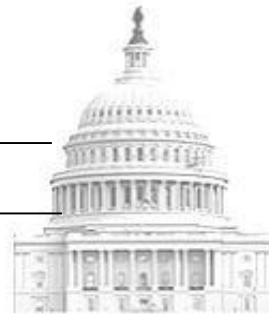




INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW



DENNIS WILLIAMS, President      GARY CASTEEL, Secretary-Treasurer  
VICE PRESIDENTS: CINDY ESTRADA • JIMMY SETTLES • NORWOOD JEWELL

IN REPLY REFER TO

November 10, 2015

1757 N STREET, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE: (202) 828-8500  
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The Honorable Jeh Johnson  
Secretary of Homeland Security  
Washington, D.C. 20528

Dear Secretary Johnson,

On behalf of the more than one million active and retired members of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) I am writing to encourage the Department of Homeland Security (DHS) to continue the Optional Practical Training (OPT) STEM extension with reforms aimed at ensuring that OPT workers receive comparable compensation, benefits and rights to workers from the United States who do the same work. Our comments reflect our principles as a union as well as the interests and concerns of tens of thousands of our members across the country. We have consistently advocated for immigrant and guest workers to receive equal treatment and for expanded opportunities for international graduates of our universities to work lawfully after graduation. UAW strongly supports comprehensive immigration reform with a pathway to citizenship for undocumented and other immigrants who currently face obstacles to citizenship. We also commend President Obama for issuing executive orders to keep families together and support the Deferred Action for Parents (DAPA) and Deferred Action for Childhood Arrivals (DACA) programs.

A comprehensive solution is far preferable to a piecemeal regulatory approach, and it is unfortunate that this Congress has been unwilling to advance the legislation reforms our nation so clearly needs. However, given that reality, DHS is right to do all that is in its power to fix our broken immigration system. Our members have dealt firsthand with the inadequacies of our current immigration policies. An estimated 50,000 academic workers across the US are part of UAW. They work as graduate employees, postdoctoral researchers, and non-tenure track faculty. UAW members work at several of our nation's most prominent research universities, including University of Washington (UW), University of California (UC), New York University (NYU), University of Connecticut (UConn), University of Massachusetts (UMass), and California State University (CSU). Many of these talented researchers rely on OPT as one of the few pipelines to stay and work lawfully in the US and contribute to our economy after earning Masters or PhD degrees. Tens of thousands of UAW workers have already utilized OPT and thousands more hope to utilize the OPT program in the future as a way to remain in the United States lawfully and contribute to innovation and stimulation of the US economy.

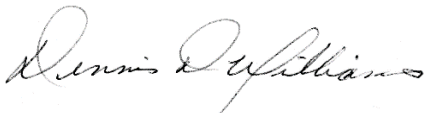
We urge DHS to enhance the enforcement mechanisms for ensuring equal workplace rights, benefits and compensation for OPT workers. While the proposed rule makes strides toward the concept of equal pay for equal work, we urge DHS to establish more specific guidelines for monitoring any potential abuses in the program and establishing mechanisms to prevent them, such as whistleblower protections for OPT workers and a system of penalties for employers who violate the regulations. Furthermore, equal treatment and compensation requirements should apply to all OPT workers, not just those in STEM fields. In our view, OPT workers should be able move automatically to a green card upon completion of OPT. We understand that lies outside the purview of DHS rule making, but encourage DHS and Congress to work together to change the law. Until access to green cards can be achieved legislatively, we heartily support the extension as an enhancement of opportunities for international graduates of US universities to remain here and work lawfully for a longer period, affording more time to find permanent status.

DHS needs to take steps to ensure that any new costs associated with these new rules are not passed on to students in the form of new mandatory “student fees” at their campuses. Finally, I urge you to make OPT more user-friendly by enhancing notification to students who could be eligible for OPT, making the application process quicker, and making re-entry to the US easier where that is within your control.

The OPT draft regulations include several provisions we support, including lengthening the total period of OPT to thirty six months. This will give international graduates more opportunity to find post-OPT options to remain and work in the US lawfully. We also commend the improvement on the issue of equal pay for equal work. This could help ensure that all workers have the same workplace rights, benefits and compensation and that employers do not abuse programs to drive down standards for all workers. As we note above, however, while it is a step in the right direction, we believe more needs to be done. Finally, we support the increased period during which an OPT worker can be unemployed and retain status. This feature of the program is essential to allowing OPT workers job mobility and preventing them from being tied to a single employer. The unemployment provision ensures that OPT workers who have an unsatisfactory experience with one employer, will have a more reasonable window of time in which to search for another qualified employer, rather than have to leave the US.

While earning advanced degrees at top-notch institutions, graduate employees play a critical role in performing innovative and socially-valuable research projects, such as attempting to cure major diseases (cancer, AIDS, Alzheimer’s, Parkinson’s, etc.), address climate change, solve urban transportation problems, create new medical technologies, and others. UAW urges you to extend the program with the significant enhancements mentioned previously, which will ensure fair and equal treatment and help expand opportunities for international students to remain and work lawfully in the US after graduation. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Dennis D. Williams".

Dennis D. Williams, President  
International Union, UAW

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