



# Hammond Law Group<sup>LLC</sup>

"Serving the Global Immigration Needs of Business"

May 22, 2008

Office of Policy  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
425 I Street NW  
Room 7257  
Washington, D. C. 20536

**RE: ICEB-2008-0002 Comments to Proposed Rule "Extending Period of Optional Practical Training by 17-Months for F-1 Nonimmigrant Students with STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students with Pending H-1B Petitions" (73 Fed. Reg. 18944)**

To Whom It May Concern:

The Hammond Law Group, LLC submits the following comments on proposed regulations published in the Federal Register on April 8, 2008. This proposed rule would extend the period of Optional Practical Training (OPT) from 12 months to 29 months for qualified F-1 non-immigrant students. In addition, the rule would extend the period of stay and work authorization, commonly call the Cap-Gap, for all F-1 students with pending H-1B petitions.

Hammond Law Group, LLC is a law firm consisting of ten immigration attorneys with its main offices in Cincinnati, Ohio. The firm focuses solely on immigration law. We represent a wide range of companies including Fortune 500 companies, small start-up companies, universities, hospitals, health care systems, etc., across the various industries.

Hammond Law Group, LLC appreciates the efforts of the Department of Homeland Security to enable businesses to attract and retain skilled foreign workers by extending the time a select group of U.S. educated students can work under the OPT and by providing the Cap-Gap extension to cover the period of time between when the OPT ends and when an approved H-1B visa becomes effective. However, we believe the rule needs to be expanded to cover Schedule A healthcare professionals.

The proposed rule states that only graduates of the Department of Homeland Security's STEM Designated Degree Program qualify for this benefit. The STEM Designated Degree Program does not include healthcare professionals other than physicians who are researchers or scientists. It does not include the two healthcare professional groups that are in the most demand in the U.S. – registered nurses and physical therapists.

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Because of the well known shortage of registered nurses and physical therapists in the U.S., the Department of Labor has classified them as Schedule A cases whereby no test of the labor market needs to be done prior to filing the petition for permanent residence. The DOL has recognized the severe shortages and has deemed the Labor Certificated to be approved in those cases.

The Department of Labor's Occupational Outlook Handbook indicates that both registered nurses and physical therapists employment projection for the years 2006 to 2016 will grow much faster than average, an increase of at least 21%.

Including the registered nurse and the physical therapist in the rule would allow the physical therapist the same benefits provided to the graduates of the STEM Designated Programs, i.e. 17 additional months of OPT work experience.

While we respect the efforts of the Department of Homeland Security to retain the foreign-born but U.S. educated students in the US there by improving the U.S. competitiveness in the world market, we respectfully request that registered nurses and physical therapists are included in the rule.

Cordially,

HAMMOND LAW GROUP, LLC