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VIA EMAIL (USCISFRComment@uscis.dhs.gov)

Laura Dawkins
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

**RE: DOCKET No: USCIS -2012-0005
Proposed Rule: Enhancing Opportunities for H-1B1, CW-1,
and E-3 Nonimmigrants and EB-1 Immigrants**

Dear Chief Dawkins:

Intel Corporation ("Intel") submits this response to the Department of Homeland Security's ("Department") proposed rule, "Enhancing Opportunities for H-1B1, CW-1, and E-3 Nonimmigrants and EB-1 Immigrants," published in the Federal Register on May 12, 2014.

Research is the Foundation of Intel's Leadership and Innovation in the Technology Industry

Intel is a world leader in computing innovation. Research and development in semiconductor and related areas is the engine driving Intel to continuously create groundbreaking technologies that shape the new computing era and fuel the growing economy.¹ Intel's research commitment extends from microprocessor design and manufacturing processes to networking and communications, wireless technology for mobile cellular and handheld products, user interface design, and service based technologies.

¹ In 2013 Intel was ranked #4 in research and development spending among all publically traded companies worldwide. See, "The Top Innovators and Spenders," Strategy& (2014), <http://www.strategyand.pwc.com/global/home/what-we-think/global-innovation-1000/top-innovators-spenders>

To realize this vision, Intel continues to recruit top research scientists, and partners with university institutions to conduct groundbreaking semiconductor research. Currently, Intel sponsors research programs at top universities including Caltech, Massachusetts Institute of Technology (MIT), Stanford, Carnegie Mellon, and the University of California, Berkeley.² Further, Intel invests heavily in the development of new technologies; in 2013 Intel spent over \$10.6 billion dollars in Research and Development.

Intel is unified with the Department in its goal to attract and retain the brightest and best from around the world to maintain a competitive edge and grow the U.S. economy through innovation. The employment-based first preference (EB-1) outstanding professor and researcher immigrant classification is of particular importance to Intel, as it allows Intel to secure permanent residency for its foreign national researchers who comprise a small but critical part of Intel's overall workforce.

The Department's Proposed Rule is Appropriate in Light of (1) Current Regulations Governing Similar Immigrant Classifications and (2) Important Public Policy

Intel supports the Department's proposed rule to expand the evidentiary criteria for EB-1 outstanding professors and researchers by amending 8 C.F.R. § 204.5 (i)(3) to include a provision allowing an employer to submit "comparable evidence" where the current evidentiary categories do not readily apply. The language of the proposed rule is well-drafted, and broad enough to include all evidence that may be probative of outstanding achievement.

The proposed rule is logical compared to the current regulation for the EB-1 extraordinary ability (EA) classification. It has a comparable evidence provision while the outstanding professor and researcher classification does not. This is counterintuitive as the EA classification has the higher threshold for qualification because it is less favored by public policy than the research classification, but EA has the more lenient "comparable evidence" regulation.

Further, as the proposed rule aptly describes, outstanding professors and researchers contribute greatly to the growth of the United States economy and create constant innovation. It is important that the Department create a broad pathway allowing talented foreign national professors and researchers to secure permanent residency in the United States.

Expanding the EB-1 Evidentiary Criteria for EB-1 Outstanding Professors and Researchers Will Allow Employers Greater Opportunity to Retain Critical Research Talent

The proposed expansion of the evidentiary criteria for outstanding professors and researchers to include comparable evidence will allow employers such as Intel to present full documentation of an employee's qualifications.

² For more information about Intel's University Collaborations programs visit:
<http://www.intel.com/content/www/us/en/research/intel-labs-istc.html>.

Intel has filed hundreds of successful outstanding researcher petitions on behalf of its foreign national employees. At times certain evidence submitted has had to be shoehorned into existing evidentiary categories. For example, funding grants have been included as documentation of major awards. 8 C.F.R. § 204.5(i)(3)(i)(A).

In other instances, relevant evidence demonstrating international recognition of outstanding research has been omitted completely because of the lack of an evidentiary category in which to present it. The proposed “comparable evidence” addition will allow Intel the opportunity to demonstrate the full accomplishments of its outstanding researcher employees. Examples of evidence that may be probative of outstanding research include:

- High Salary: Evidence of high compensation, especially in the research arena where salaries are notoriously low, is indicative of outstanding researchers. Evidence of a salary higher than individuals in a similar position with similar education and experience shows that an employee can command greater compensation based on international recognition of his or her accomplishments, research ability and potential for future lucrative innovation.
- Affiliation with Prestigious Institutions: The EA regulation allows evidence of a “leading or critical role for organizations or establishments that have a distinguished reputation.” C.F.R. § 204.5(h)(3)(viii). This is not a category in the Outstanding Researcher regulation, but the evidence is just as applicable. For EA it would be relevant to show, for example, that a lawyer was accepted into Harvard Law School and then a clerkship with a U.S. Court of Appeals or the Supreme Court, and that a physician was accepted into Yale Law School and surgical residency at Mass General. Similarly, in engineering research there are certain world-renowned institutions to which only the most brilliant candidates are admitted and this can be partial evidence for meeting the outstanding researcher threshold. For example, graduation from a doctoral engineering program at MIT followed by a coveted research position at a top tech company is evidence that the person is among the very best and brightest in the field and already has substantial achievements.

The Department’s proposed rule, if incorporated into regulation, will increase Intel’s ability to petition on behalf of its internationally recognized outstanding researcher employees by allowing full documentation of the employee’s qualifications. These talented employees are critical to Intel’s ongoing leadership and innovation in the technology industry.

The Proposed Regulations Dramatically Improve an Employer’s Ability to Secure the Initial and Continued Employment of H-1B1 and E-3 Specialty Occupation Professionals

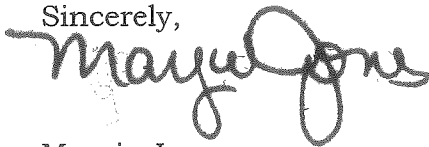
Intel further supports the Department’s proposed regulations to (1) include specialty occupation professionals from Chile and Singapore (H-1B1) and Australia (E-3) in the list of aliens authorized for employment incident to status with a specific employer; (2)

automatically extend employment authorization to these non-immigrants for 240 days beyond the authorized period specified on the Arrival-Departure Record with timely filed, pending extension of stay requests; and (3) add the H-1B1 and E-3 non-immigrant classifications to the list of nonimmigrant classifications that must file a petition with USCIS to request an extension of stay or change of status.

Intel currently employs many skilled workers in H-1B1 and E-3 status and the proposed regulations, if adopted, will go far to enable their initial and uninterrupted continued employment. Further, the proposed rule creates equity for these non-immigrants categories as compared to other similar non-immigrant categories for specialty occupation workers, such as H-1B.

In conclusion, the regulatory changes contained in the Department's proposed rule, "Enhancing Opportunities for H-1B1, CW-1, and E-3 Nonimmigrants and EB-1 Immigrants," will substantially aid Intel in employing and retaining talented researchers and highly-skilled workers. For these reasons and those set for the above, Intel strongly supports the Department's proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Margie Jones". The signature is written in a cursive, flowing style.

Margie Jones
U.S. Immigration Operations Manager
Intel Corporation

cc: Debbe R. Bowles, U.S. Immigration Operations Manager
Peter Muller, Director of Immigration Policy