



February 5, 2018

Re: S. 2344, the Immigration Innovation (I-Squared) Act of 2018

Dear Senator,

On behalf of the 23 national unions in the Department for Professional Employees, AFL-CIO (DPE), I urge you to oppose S. 2344, the Immigration Innovation (I-Squared) Act of 2018. Recently introduced by Senators Orrin Hatch (R-UT) and Jeff Flake (R-AZ), this legislation would dramatically expand the H-1B visa program without adequate protections for American professionals or the people working on H-1B visas. As such, the legislation would exacerbate the existing problems with the H-1B visa program, including employer use of the H-1B visa to outsource and offshore good jobs. DPE asks that you not co-sponsor the I-Squared legislation, and that you vote against S. 2344 as either a standalone bill or an amendment to other immigration legislation should the opportunity arise.

S. 2344 More than Doubles Size of H-1B Visa Program without Adequate Worker Protections

I-Squared would increase the number of capped H-1B visas from 65,000 annually to as many as 195,000 visas, while also eliminating the annual cap of an additional 20,000 H-1B visas for post-graduate students graduating from U.S. universities and colleges with STEM degrees. In addition, I-Squared would exempt multiple classes of H-1B visas from the cap, further increasing the total size of the H-1B visa program. Under I-Squared, the number of capped H-1B visas would increase based on the number of filed H-1B petitions. Because I-Squared would continue to allow the majority of H-1B employers to forego attesting that they looked for qualified, available U.S. workers, filed petitions only reveal employer interest in hiring H-1B workers, not evidence of a labor shortage.

S. 2344 Would Allow Employers to Continue Outsourcing and Offshoring Good Jobs

The H-1B program permits employers to pay H-1B workers below market wages and does not expressly forbid displacement of existing workers. The lack of displacement protections made it possible for employers like Abbott Labs; Cargill; EverSource Energy; Harley Davidson; New York Life Insurance Company; Southern California Edison; the University of California, San Francisco; Walt Disney World; and many others to layoff their U.S. workers and replace them with cheaper, more exploitable H-1B guest workers.

I-Squared does not correct the flaws with the current H-1B program that employers exploit. Employers would still be able to pay H-1B workers below the going rate for a U.S. counterpart in a given occupation and area. Meanwhile, I-Squared would require displaced workers show their employers' knowledge and intent to replace them with H-1B workers, a nearly-impossible standard to prove. DPE has no doubt that employers and their capable attorneys will devise schemes that show a lack of knowledge or intent of displacement, but the

effect will be the same: more news stories about Americans who have lost their jobs because companies outsourced their work to H-1B employers.

Real Reforms Needed to Fix H-1B Visa Program

DPE does not oppose the existence of the H-1B visa program, but it must be reformed to work for U.S. workers, highly-skilled foreign workers, and employers. Such reform must include recruitment and non-displacement requirements for all H-1B employers, higher wages for H-1B workers, and robust enforcement of H-1B program rules. DPE also believes that H-1B workers should have the ability to self-petition for legal permanent residence and be able to more easily change jobs, both in the H-1B program and while waiting for available immigrant visas. However, enhanced job portability is not a panacea by itself, particularly when employers can continue to underpay H-1B workers and displace working Americans. It is for that reason that I urge you to oppose S. 2344.

If you have any questions, please contact DPE Legislative and Outreach Director, Michael Wasser at (202) 638-0320 x. 119.

Sincerely,

A handwritten signature in cursive script that reads "Paul E. Almeida".

Paul E. Almeida, President