

The Honorable Thomas R. Nides  
Deputy Secretary of State  
Office of the Secretary  
U.S. Department of State  
Harry S. Truman Building  
2201 C Street, NW  
Room 7240  
Washington, DC 20520

November 9, 2012

Re: Labor Opposition to Chamber of Commerce L-1B Recommendations

Dear Deputy Secretary Nides:

The U.S. Chamber of Commerce (Chamber) sent you a letter on October 31, 2012 asking the Department of State (DOS) to adopt seven recommendations made by the Chamber regarding L-1B visa policy. On behalf of the 21 national and international unions in the Department for Professional Employees, AFL-CIO, I urge DOS to continue to maintain its standards for L-1B approval and reject calls from the Chamber to weaken rules that protect workers.

The Chamber complains of high rates of denial and requests for evidence (RFE) for L-1B visa applications and offers numerous reasons why, in its view, denials and RFEs are so high. Largely, the Chamber blames DOS staff and procedures for unwarranted denials and RFEs. The Chamber ignores the documented fact that the L-1B visa is riddled with fraud and abuse. A 2006 Department of Homeland Security, Office of Inspector General Report, *Review of Vulnerabilities and Potential Abuses of the L-1 Visa Program*, noted that the L-1 visa category is subject to fraud and abuse, a fact that troubled consular officers. This observation, made by the USCIS adjudicators and DOS consular officers who evaluate L-1 visa applications, reasonably explains why L-1 visa applications have higher denial and RFE rates. I commend DOS for its rigorous application of the law.

The best interest of workers, both foreign and domestic, is served when consular officers strictly enforce L-1B visa rules. The L-1B visa gives employers access to a large labor force that has very few rights in the workplace. Employers are not required to pay L-1B visa beneficiaries a minimum or prevailing wage. Workers are not in a position to negotiate better wages, because they can be easily fired, which renders them out of status and requires that they leave the country immediately. There are real concerns that the L-1B visa is used to gain access to a powerless, lower-wage workforce.

The L-1B visa also has a significant impact on U.S. workers. There is no numerical limit on the number of L-1B visas that can be issued and visas are issued in the absence of a U.S. labor shortage. U.S. workers can be fired and replaced with L-1B visa beneficiaries and wages are lowered when just a few industries are inundated with tens of thousands of temporary workers. U.S. workers rely on DOS consular officers to ensure that only those workers with “specialized knowledge” are permitted to work in the U.S.

In conclusion, while labor unions support the use of nonimmigrant visas for high-skilled workers when a labor shortage exists, the impact that the L-1B visa has on foreign and domestic workers necessitates rigorous application of the law by DOS consular officers.

I would welcome the opportunity to meet with you to discuss the L-1B visa further.

Sincerely,

Paul E. Almeida  
President