



# Department for Professional Employees, AFL-CIO

President of the United States of America  
The White House  
Washington, DC 20500

April 3, 2012

Re: Reform of L-1B Visa “Specialized Knowledge” Definition

Dear President Obama:

The U.S. Chamber of Commerce and 62 multi-national corporations sent you a letter on March 22, 2012 asking you to make it easier for them to transfer employees with “specialized knowledge” from their overseas offices to the U.S. The undersigned organizations urge you to reject their request to weaken the L-1B visa definition of “specialized knowledge,” because the change is not in the best interest of foreign or domestic workers.

The L-1B visa gives employers access to a large labor force that has very few rights in the workplace. First, 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. Second, the L-1B visa is not a long-term investment in the U.S. economy since only a small fraction of L-1B visa beneficiaries will be sponsored by their employers to stay in the U.S. permanently. The L-1B visa is really about businesses having ready access to a powerless, low-wage workforce.

The L-1B visa also has a significant impact on U.S. workers. U.S. workers can be fired and replaced with L-1B visa beneficiaries. A report by the Department of Homeland Security, Office of Inspector General in January 2006 found “[t]hat so many foreign workers seem to qualify as possessing specialized knowledge [that it] appears to have led to the displacement of American workers.” Labor unions support the use of nonimmigrant visas for high-skilled workers, but also strongly support assessing the impact of work visas on the U.S. workforce.

The L-1B visa is largely a black box. We do not know how many beneficiaries are currently working in the U.S., where they are working, what their qualifications are, and how much they are earning. We should have answers to these very basic questions and a thoughtful debate before the standard for “specialized knowledge” is weakened.

The Economic Policy Institute (EPI) recently published an open letter to USCIS Director Alejandro Mayorkas detailing the impact a change in the L-1B “specialized knowledge” definition would have on workers. EPI found that “[e]xpanding the definition, or interpreting it more broadly

than at present will result in putting downward pressure on the wages of U.S. workers employed in the main L-1B occupations” and make it harder for the unemployed to find work.

In conclusion, the standard for “specialized knowledge” should be heightened, not weakened and the program should be reevaluated in an effort to increase protections for foreign and domestic workers.

Cc: The Honorable John Bryson, Secretary of Commerce  
The Honorable Hillary Clinton, Secretary of State  
The Honorable Janet Napolitano, Secretary of Homeland Security

Respectfully submitted,

Department for Professional Employees, AFL-CIO  
Actors’ Equity Association (AEA)  
Alliance@IBM CWA Local 1701  
American Federation of Government Employees (AFGE)  
American Federation of State, County and Municipal Employees (AFSCME)  
American Federation of Television and Radio Artists (AFTRA)  
Bright Future Jobs  
Communication Workers of America (CWA)  
International Association of Machinists and Aerospace Workers (IAM)  
International Brotherhood of Electrical Workers (IBEW)  
International Federation of Professional and Technical Engineers (IFPTE)  
Massachusetts Organization of State Engineers and Scientists  
Metal Trades Department, AFL-CIO  
Programmer’s Guild  
Society of Professional Engineering Employees in Aerospace (SPEEA) IFPTE Local 2001  
United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)  
United Steelworkers (USW)  
Utility Workers Union of America (UWUA)  
WashTech/CWA Local  
Writer’s Guild of America, East (WGAeast)