



LEGISLATIVE ALERT

EXECUTIVE COUNCIL

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November 30, 2015

The Honorable Charles E. Grassley
Hart Senate Office Building, Room 135
2nd and C Streets, NE
Washington, DC 20510

The Honorable Richard J. Durbin
Hart Senate Office Building, Room 711
2nd and C Streets, NE
Washington, DC 20510

Dear Senators Grassley and Durbin:

The H-1B and L-1 Visa Reform Act of 2015 (S. 2266) makes critically important changes to prevent the misuse and abuse of our work visa system and ensure equal pay and fair treatment for all skilled workers in our country. The provisions in S. 2266 represent a significant step forward for meaningful, enforceable worker protections in the H-1B and L-1 visa programs. The AFL-CIO is eager to work with you to ensure that they are included in any future comprehensive immigration reform package.

As you know, the labor movement believes that in order to build an economy that works for working people, we must create an immigration system that promotes shared prosperity and respects the hardships and contributions of those living here—and of those moving here. Labor's historic unity framework, authored by Ray Marshall in 2009, sets out our principles and priorities for comprehensive immigration reform, including a broad, inclusive pathway to citizenship for undocumented workers; humane and rational systems of border control and workplace verification; and structural reforms to our employment-based visa system to prevent indentured work and to base future entry levels on the real needs of the labor market. While S. 2266 does not meet all of the AFL-CIO's recommendations for guest worker reform, it would go a long way toward fixing our terribly broken system.

We applaud your long-term commitment to addressing the glaring gaps in protections in our current skilled visa programs. These loopholes have resulted in the mistreatment of H-1B workers and U.S. workers alike, and have led to the egregious displacement scandals that continue to make headlines and discredit these programs. There are tens of thousands of high-skilled workers and visa beneficiaries within the membership of AFL-CIO unions, and we are deeply committed to ensuring program reforms that support the rights and interests of all workers in these industries.

S. 2266 would restructure the H-1B hiring process to more effectively weed out exploitative practices upfront and prevent the misuse of the program to drive down wages, displace workers, erode permanent employment, or facilitate the movement of much-needed jobs overseas. We welcome reforms that would require more authentic local recruitment efforts, improve the wage scales for visa beneficiaries,

and make it harder for outsourcing and off-shoring employers to use the program, potentially freeing up tens of thousands of H-1B visas for more appropriate use each year.

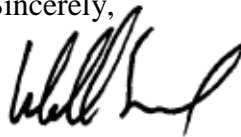
Importantly, this bill recognizes that we will never rid our skilled visa programs of abuse without robust enforcement mechanisms. S. 2266 would adequately fund and staff the Department of Labor to oversee these programs, and would increase the agency's authority to initiate investigations and carefully review employer applications. In effect, the bill would make huge strides in addressing the chronic underfunding and disempowerment of labor enforcement that has allowed worker exploitation to go undetected and unaddressed for far too long.

In moving away from a lottery system for H-1B visa allocation, S. 2266 would decrease the chance that high-volume users will continue to capture a disproportionate share of the visas allocated each year. By prioritizing the issuance of visas to those hiring skilled graduates of our university system, those paying workers competitive wages, and those with a proven track record of respecting and retaining their workforce, this bill identifies the uses of the program that more effectively serve our national interest.

While we support the provisions in this bill that level the playing field for all workers, we know that the problems with guest worker programs will not be fully addressed until our laws ensure an objective labor market test and provide greater rights and autonomy for the workers within these programs. The structure of our work visa system continues to tie workers to a single employer, and allows that employer to control every step of the process. This power imbalance creates unavoidable and unacceptable vulnerabilities that can only be addressed by giving guest workers improved ability to change jobs and the right to petition on their own behalf for permanent residence. The labor movement will insist upon seeing such reforms in comprehensive immigration legislation, and would welcome provisions to address these concerns within S. 2266.

The AFL-CIO stands ready to work with you to see the important worker protections in the H-1B and L-1 Visa Reform Act enacted into law as part of a long overdue, comprehensive overhaul and update of our nation's immigration system. Our affiliates and their members have direct experience with skilled visa programs from multiple perspectives, and their voices should be a vibrant part of the effort to advance urgently needed improvements to create a more just, fair, and rights-based work visa system.

Sincerely,



William Samuel, Director
Government Affairs Department

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