

Roll Call

GRASSLEY, DURBIN EXPRESS CONCERN OVER POSSIBLE CHANGES TO L-1B WORKER VISAS

By Ambreen Ali
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A bipartisan pair of senior senators is raising concerns about a possible change to worker visas that could allow more foreigners to work in the United States.

Sens. Charles E. Grassley, R-Iowa, and Richard J. Durbin, D-Ill., wrote March 7 to U.S. Citizenship and Immigration Services Director Alejandro Mayorkas, requesting an update on the agency's standard for L-1B visas, which allow American businesses to sponsor for immigration high-level executives and managers who possess specialized knowledge about their employers.

The agency plans to issue new guidance on the qualifications for that standard, according to the letter.

Grassley and Durbin warned of attempts by "unscrupulous petitioners" to use L-1B visas for employees who do not meet the specialized knowledge requirement. A spokeswoman for Grassley declined to comment on which companies may be misusing the visa program.

"We are concerned that the L-1B program is harming American workers because some employers, especially foreign outsourcing companies, use L-1B visas to evade restrictions on the H-1B visa program," they wrote.

Unlike H-1B visas, which companies can use for all levels of employees, L-1B visas do not have an annual cap or wage and labor protections, according to the senators. Technology companies, including Microsoft Corp. and Google Inc., have lobbied Congress to expand the H-1B visa program to meet the demand by American companies for highly skilled labor.

In the absence of a comprehensive overhaul of immigration law, the senators suggested some employers could use L-1B visas as a workaround. Grassley and Durbin wrote that the L-1B visa program was designed to be narrow and closely monitored. The visas are limited to a seven-year stay.

In September, Mayorkas said in a speech at the U.S. Chamber of Commerce that his agency was "expanding accelerated or premium processing to immigrant petitions for certain multinational executives and managers."

"We are providing new training to our adjudicators in the review of L-1B petitions," he said.

The agency had no comment.

Grassley and Durbin plan to introduce legislation later this year to overhaul the L-1B and H-1B visa programs. They have been working on the issue together for years. In 2008, the

senators wrote to employers requesting details on how many citizens and visa holders they employ.

Other lawmakers also have attempted to increase visas for high-skilled workers.

A separate bill (S 1965) would offer tax breaks and loosen regulatory requirements to help startup companies. The proposal by Sens. Jerry Moran, R-Kan., and Mark Warner, D-Va., would create 75,000 visas for entrepreneurs and 50,000 visas for workers with advanced degrees in science, technology, engineering and mathematics.

Moran said immigration has been “the most problematic” part of the legislation, with many lawmakers preferring a broad bill that also addresses border security and legalization for the nation’s undocumented population.

“In trying to figure out what we can take to the floor in a jobs bill, we are focusing on the capital formation [provisions], in part because it’s difficult to deal with immigration,” Moran said.