



Prepared Remarks

Buy American and Hire American Listening Session

Thursday, April 18, 2019

2 to 4 p.m. Eastern

- Good afternoon. It is a pleasure to be here with you today.
- I would like to thank our distinguished speakers from the government, academia, and the legal profession for participating in today's listening session on the implementation of the Buy American and Hire American Executive Order.
- Two years ago today, President Trump signed and issued the Buy American and Hire American (BAHA) Executive Order, which among other things seeks to create higher wages and employment rates for U.S. workers and to protect their economic interests by rigorously enforcing and administering our nation's immigration laws.
- Specifically, the President directed me and other agency heads to "propose new rules and issue new guidance, to supersede or revise previous rules and guidance if appropriate, to protect the interests of U.S. workers in the administration of our immigration system, including through the prevention of fraud or abuse."
- As part of our efforts to fulfill the President's directive over the past two years, USCIS has instituted a series of reforms designed to protect U.S. workers.
- We have put together an accomplishments list that members of the audience can see on the screens, and those listening to today's engagement by phone can see on uscis.gov.
- We would be here for quite some time if I discussed all of our efforts at length, so I plan to briefly highlight a few of our top accomplishments so that we have time to hear from other speakers and members of the audience.



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- Companies seeking employment-based immigration benefits who circumvent our nation's immigration laws hurt the wages and job opportunities for U.S. workers.
- Pursuant to the President's directive in the BAHA Executive Order, we have taken a number of steps to stop these abuses.
 - We have sought to combat H-1B abuse at third-party worksites by issuing interpretive policy guidance related to petitions for H-1B workers who will work at third-party locations.
 - We have also released policy guidance that instructs our adjudicators to apply the same level of scrutiny to both initial petitions and extension requests for certain employment-based visa programs.
 - By applying the same level of scrutiny to both initial and extension requests, we are hoping to ensure that our adjudicators are approving only those cases that meet all relevant statutory and regulatory requirements.
 - You can see more about our work on the BAHA webpage on uscis.gov and at the Unified Agenda at reginfo.gov.
- We have also strengthened fraud detection and prevention efforts for employment-based visa programs by creating tip lines for the H-1B and H-2B programs, enhancing our site visit program, and sharing more information with our Federal partners to combat immigration fraud.
 - As of March 31, the H-1B tip line has received nearly 7,700 tips. Roughly, 30 percent of these tips have resulted in leads.
 - Similarly, we have received nearly 700 tips alleging H-2B abuse. Nearly 29 percent of these tips have resulted in leads.
 - In 2017, we enhanced the targeted site visit program to focus resources where fraud and abuse of the H-1B program may be more likely to occur, and determine whether H-1B dependent employers are evading their obligation to make a good faith effort to recruit U.S. workers.



- In Fiscal Year 2018, 36 percent of H-1B and nearly 18 percent of L-1B targeted site visits resulted in fraud determinations.
- Looking forward, we are planning to build on this program's success and ensure that employers and nonimmigrant workers are complying with the terms of their visa classifications.
- Furthermore, last year USCIS and the Department of Justice signed a Memorandum of Understanding to expand collaboration to help deter, detect, and investigate discrimination against U.S. workers.
- We will hear from one of the Department of Justice experts on the successes of this MOU later this afternoon.
- We have already seen stories of successful investigations that have come out of this MOU and other interagency partnerships, and I look forward to continuing our collaboration to stop employment-based immigration fraud and protect U.S. workers.
- Finally, we have increased transparency around the operation of employment-based visa programs.
 - We continually seek to expand the data we release to the public.
 - Earlier this month, we launched an H-1B employer data hub to provide information to the public on employers petitioning for H-1B workers.
 - This new tool allows the public to see approvals and denials for each H-1B petitioner and calculate approval and denial rates. We will be updating this tool quarterly, and we will continue to expand the data we make available through this tool.
 - And for the first time, the public can now see the countries of origin and gender of H-1B beneficiaries.
- In conclusion, we at USCIS are committed to carrying out the BAHA Executive Order and lawfully administering our nation's immigration laws.



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- We will continue to review all applicable operational guidance, policies, and regulations to ensure they protect U.S. workers to the greatest extent possible.
- We still have much more to do to implement the BAHA Executive Order, and I look forward to hearing from all of you on our work to implement it.

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