



**U.S. Citizenship
and Immigration
Services**

May 24, 2017

The Honorable Charles E. Grassley
United States Senate
Washington, DC 20510

Dear Senator Grassley:

Thank you for your March 29, 2017 letter. Secretary Kelly asked that I respond on his behalf.

In your letter you express concerns regarding the H1-B visa program. Enclosed, please find detailed responses to your questions.

Thank you for your interest in this important matter. The co-signers of your letter will receive a separate, identical response. Should you wish to discuss this further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "James W. McCament".

James W. McCament
Acting Director

Enclosure

**The Department of Homeland Security's Response to
Chairman Grassley's et al. March 29, 2017 Letter**

- 1. *Has an investigation into the companies highlighted in 60 Minutes' "You're Fired," and their abuse of the H-1B visa program been initiated? If not, why not?***

U.S. Citizenship and Immigration Services (USCIS) has participated in multiple investigations regarding the possible misuse of the H-1B visa program by employers such as Northeast Utilities (Eversource Energy), University of California San Francisco, and Disney, as well as the firms contracted by these companies to provide H-1B workers. USCIS continues to review information from previously filed visa petitions and site visits at these companies and will refer its findings to U.S. Immigration and Customs Enforcement if violations of the legal requirements can be substantiated.

- 2. *Has a review of your policies and procedures under the H-1B program that allows for this kind of abuse been initiated? If so, have you determined loopholes and ambiguities that can be fixed by regulation or other executive action? If not, why not?***

USCIS continually strives to improve its programs and protect U.S. workers. USCIS has a working group specifically focused on H-1B issues. It includes participants from several USCIS components and meets regularly to discuss any problems, delays, and stakeholder concerns in the H-1B program. It also coordinates with other agencies and departments as necessary. USCIS continues to review all policies related to the H-1B program and is planning to publish an updated H-1B guidance section to the USCIS Policy Manual. Moreover, USCIS has recently announced several initiatives to combat fraud and abuse in the H-1B program. Details of these initiatives can be found at www.uscis.gov/news/news-releases/putting-american-workers-first-uscis-announces-further-measures-detect-h-1b-visa-fraud-and-abuse. USCIS is committed to working within the current law to improve the H-1B program in order to protect U.S. workers.

- 3. *What steps are you taking, in conjunction with the President and the White House, to initiate necessary administrative action to fix the worst abuses in the H-1B visa program?***

Consistent with the Presidential Executive Order on Buy American, Hire American signed on April 18, 2017, USCIS will, as soon as practicable and consistent with applicable law, propose new rules and issue new guidance relating to the H-1B visa program. In particular, in accordance with the Executive Order, the proposed new rules and guidance would seek to supersede or revise previous rules and guidance in ways that would protect the interests of U.S. workers, including through the prevention of fraud or abuse.

Additionally, in FY 2016, USCIS conducted over 10,000 administrative site visits under the Administrative Site Visits and Verification Program as an additional way to verify information included in certain visa petitions. Under this program, USCIS Fraud Detection and National Security officers make unannounced site visits to collect information as part of a compliance review. Employers such as the University of California San Francisco,

Eversource Energy (who contracted with Infosys), and Disney as well as affiliated businesses were subject to these site visits. On April 3, 2017, USCIS announced several initiatives to combat fraud and abuse within the H-1B program. For instance, USCIS will take a more targeted approach when conducting site visits across the country of H-1B petitioners and the worksites of H-1B employees. These targeted site visits will enable USCIS 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. USCIS has established an email address, ReportH1BAbuse@uscis.dhs.gov, which will allow individuals (including both American workers, lawful permanent resident workers, and nonimmigrant workers (including H-1B workers) who suspect they or others may be the victim of H-1B fraud or abuse) to submit tips, alleged violations, and other relevant information about potential H-1B fraud or abuse.

4. What tools do you need from Congress to better ensure that the H-1B program is used as it was meant to be used, to ensure that American companies have access to foreign workers, when, and only when, there are insufficient American workers to fill those jobs?

As the President noted when signing the Buy American, Hire American Executive Order, “Right now, widespread abuse in our immigration system is allowing American workers of all backgrounds to be replaced by workers brought in from other countries to do the same job, sometimes for lesser pay.” The President is committed to ensuring that jobs are first offered to American workers before allowing employers to import foreign workers.

The Department is interested in working with you, as Chairman, to increase oversight capabilities and enhance the authorities we have to deter and prosecute H-1B visa fraud. USCIS is working with the Secretary’s Office and the Office of Management and Budget to clear a set of legislative reforms to be sent to the Committee on the Judiciary that could improve the H-1B visa program. Pursuant to the Buy American, Hire American Executive Order, the Department will be providing recommendations to enhance the program’s integrity and to better protect U.S. workers who may be disadvantaged by the program.