

August 22, 2018

The Honorable Kirstjen M. Nielsen
Secretary, Department of Homeland Security
800 K Street, NW, #1000
Washington, DC 20528

Jamie Dimon
JPMorgan Chase & Co.
Chairman

Chuck Robbins
Cisco Systems, Inc.
Chair, Immigration Committee

Joshua Bolten
President & CEO

Dear Secretary Nielsen:

On behalf of the CEO members of Business Roundtable, we write to express our serious concern about changes in immigration policy that are causing considerable anxiety for many thousands of our employees while threatening to disrupt company operations.

Due to a shortage of green cards for workers, many employees find themselves stuck in an immigration process lasting more than a decade. These employees must repeatedly renew their temporary work visas during this lengthy and difficult process. Out of fairness to these employees -- and to avoid unnecessary costs and complications for American businesses -- the U.S. government should not change the rules in the middle of the process.

Unfortunately, U.S. Citizenship and Immigration Services (USCIS) has issued several policy memoranda over the past year that will do just that, resulting in arbitrary and inconsistent adjudications.

Inconsistent government action and uncertainty undermines economic growth and American competitiveness and creates anxiety for employees who follow the law. In many cases, these employees studied here and received degrees from U.S. universities, often in critical STEM fields.

Although having played by the rules, our employees now face the following uncertainty:

- *Inconsistent Immigration Decisions:* On October 23, 2017, USCIS rescinded its long-standing “deference” policy under which the government issued consistent immigration decisions unless there was a material change in facts or there was an error in the prior government decision. Now, any adjudicator can disagree with multiple prior approvals without explanation.

- *Uncertainty About Required Information:* On July 13, 2018, USCIS issued a memorandum that allows adjudicators to deny petitions or applications on the basis that “initial evidence” was not submitted, yet the agency offered no guidance to adjudicators on how to apply the policy. Companies now do not know whether a work visa petition that was approved last month will be approved when the company submits the identical application to extend the employee’s status. This challenge is particularly acute for companies that hire H-1B professional workers where the government has narrowed eligibility criteria without issuing guidance to adjudicators or the public.
- *Revoked Status for Spouses:* USCIS is soon expected to revoke work authorization eligibility for the H-4 spouses of H-1B employees. These spouses are often highly skilled in their own rights and have built careers and lives around their ability to contribute to companies here. Other countries allow these valuable professionals to work, so revoking their U.S. work authorization will likely cause high-skilled immigrants to take their skills to competitors outside the United States.
- *Commencement of Removal Proceedings:* USCIS recently announced that it will place a legal immigrant in removal (deportation) proceedings if his or her application to change or extend status is denied and he or she does not have another underlying lawful status. Our employees are concerned that they will face removal proceedings even if they have complied with immigration laws and intend to promptly depart the country.

Together, the USCIS actions significantly increase the likelihood that a long-term employee—who has followed the rules and who has been authorized by the U.S. government multiple times to work in the United States—will lose his or her status. All of this despite the Department of Labor having, in many cases, certified that no qualified U.S. workers are available to do that person’s job.

Business Roundtable continues to work with Congress to reduce the green card backlog. In the interim, inconsistent immigration policies are unfair and discourage talented and highly skilled individuals from pursuing career opportunities in the United States. The reality is that few will move their family and settle in a new country if, at any time and without notice, the government can force their immediate departure—often without explanation. At a time when the number of job vacancies are reaching historic highs due to labor shortages, now is not the time restrict access to talent.

As the federal government undertakes its legitimate review of immigration rules, it must avoid making changes that disrupt the lives of thousands of law-abiding and skilled employees, and that inflict substantial harm on U.S. competitiveness.

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Thank you for your attention to this important matter.

Sincerely,



Chuck Robbins
Chairman and Chief Executive Officer
Cisco Systems, Inc.
Chair, Immigration Committee
Business Roundtable



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Chief Executive Officer
AK Steel Corporation



Ajita Rajendra
Chairman and Chief Executive Officer
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Patricia L. Kampling
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Alliant Energy Corporation



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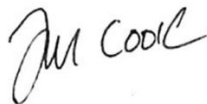
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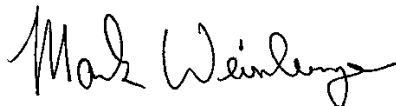
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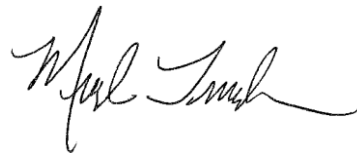
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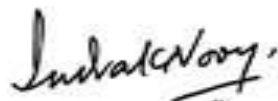
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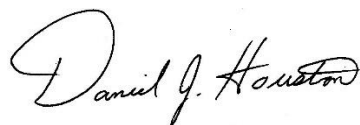
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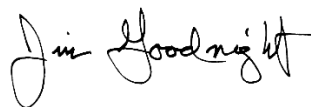
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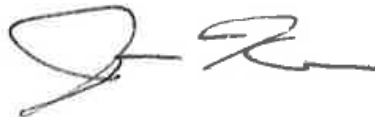
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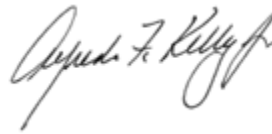
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