



U.S. Citizenship
and Immigration
Services

May 30, 2018

The Honorable Paul Mitchell
U.S. House of Representatives
Washington, DC 20515

Dear Representative Mitchell:

Thank you for hosting the May 16, 2018 roundtable to discuss B-1 visa abuse and potential solutions to better deter, detect, and prosecute fraud and misuse of the business visitor classification. I am pleased that so many Members of the Subcommittee on National Security accepted your invitation to engage with staff from agencies that help maintain the layered approach to protecting the security of our people, the integrity of our immigration system, and the strength of our economy.

As you rightly noted in your statement afterward, "Specific visas are designed for specific purposes, and when companies abuse or deceive the visa system, they hurt American workers and the American economy, as well as the foreign workers they hire under fraudulent pretenses."

You may be aware that my agency, U.S. Citizenship and Immigration Services (USCIS), is reviewing existing regulations, policies, and programs and developing a combination of rulemaking, policy memoranda, and operational changes to implement the "Buy American and Hire American" Executive Order. These initiatives aim to protect the economic interests of United States workers and prevent fraud and abuse in the immigration system.

One area of focus is the B visa program. As noted in the Spring 2018 Unified Agenda, the Department of Homeland Security (DHS) is working on a proposed regulation pertaining to nonimmigrants admitted to the United States as temporary visitors for business (B-1) or pleasure (B-2).¹ The proposed regulatory revisions will clarify the criteria for according B-1 or B-2 nonimmigrant classification to applicants for admission to the United States. As stated in the Unified Agenda, "Such clarification is necessary to ensure fair and consistent adjudication and enforcement, as well as to make the criteria more transparent."

This rulemaking is a priority for the Department, and USCIS is taking a lead role in drafting the proposed regulation. The public will be able to comment once it is published.

Lastly, I understand there was some discussion of "B-1 in lieu of H" during the roundtable. As explained, USCIS adjudicates applications from individuals who are already here and wish to extend a stay in B status or change to another nonimmigrant status (that is, change

¹ See <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=1651-AA99>.

either to or from B status). USCIS also adjudicates employer petitions in H nonimmigrant visa classifications. As part of the above-described regulatory process, we are, in coordination with the Department of State and other immigration components within DHS, reviewing existing policy with respect to "B-1 in lieu of H-1," as well as "B-1 in lieu of H-3."

Again, thank you for giving USCIS the opportunity to join our colleagues and partners at your roundtable discussion on fraud and misuse of B-1 visas. Each of the agencies represented – USCIS, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, Department of State, and Department of Labor – has a different but interconnected role in addressing the issues you highlighted. My agency administers the lawful immigration system, and central to that mission – and to this Administration's priorities – is protecting American workers.

I look forward to meeting with you in the near future to discuss our efforts to improve the B visa program, as well as our other regulatory initiatives and statutory suggestions. If you have any questions prior to our meeting, or for any other assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "LFC", with a long horizontal stroke extending to the right.

L. Francis Cissna
Director

cc: The Honorable John J. Duncan
The Honorable Darrell Issa
The Honorable Mark Sanford
The Honorable Ron DeSantis
The Honorable Steve Russell
The Honorable Glenn Grothman
The Honorable Carolyn B. Maloney
The Honorable Stephen F. Lynch