



AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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June 23, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas,

We are writing to alert you to a troubling development that threatens U.S. jobs and the stability of our air transportation system and runs counter to the president's goals to empower workers and secure our nation.

Spirit Airlines is seeking to misuse the "specialty occupation" visa designation to artificially suppress pilot compensation and displace qualified U.S. workers. Despite a verifiable excess of available, qualified pilots in the United States, Spirit Airlines is actively seeking to recruit for pilot positions from Australia using the E-3 visa program.

There is a growing trend of scapegoating pilots for an airline's inability to attract and retain staff. According to the Bureau of Labor Statistics and the Federal Aviation Administration, there are 1.5 pilots available for every airline pilot job, yet every day we see airlines pointing to a fictional pilot shortage to justify increasing the labor pool, weakening safety regulations, and reducing costs.

Prior to the COVID-19 pandemic, some U.S. airlines had begun to misuse U.S. visa programs—particularly E-3 and H-1B "specialty occupation" visas—to avoid market pressures and artificially maintain pilot pay rates and work rules insufficient to attract qualified U.S. pilots. Though this activity slowed during the first part of the pandemic, we now have evidence of Spirit Airlines management scheduling recruiting sessions in cities *in Australia* in July (see attached).

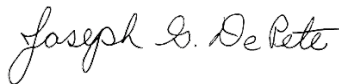
The "specialty occupation" designation is a statutory classification for which the U.S. Citizenship and Immigration Services Administrative Appeals Office (AAO) has consistently found that airline pilot jobs do not qualify. Clearly, this application of E-3 visas does not comport to the Biden administration's position on advancing labor rights in this country and across the globe.

Your Department has the ability to prevent Spirit Airlines' and other U.S. air carriers' misuse of visa programs to undercut U.S. airline pilot jobs. Specifically, the Department can adopt as precedential one of the many prior AAO non-precedent decisions finding that airline pilot positions are not a "specialty occupation" within the meaning of the Immigration and Nationality Act. Such adoption would facilitate accurate and consistent application of the "specialty occupation" standard to pilot positions among reviewers at U.S. Citizenship and Immigration Services (USCIS), as well as among reviewers at U.S. embassies and consulates responsible for making that determination for the E-3 visa program.

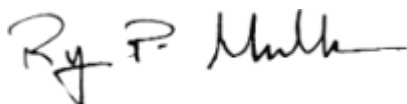
Furthermore, because the staff at U.S. embassies and consulates lack the subject-matter expertise possessed by USCIS reviewers, DHS should coordinate closely with the Department of State to ensure that E-3 reviewers are both aware of and correctly apply the applicable AAO precedent.

We are committed to partnering with you to stop this race to the bottom globally. We would like to meet with you as soon as possible to provide the most recent data and facts about pilot supply in the United States and why Spirit Airlines' actions are misaligned with the USCIS mission. We look forward to the opportunity to discuss this issue and how we can protect the rights of U.S. airline workers as soon as possible.

Sincerely,



Captain Joseph G. DePete
President, Air Line Pilots Association, International



Captain Ryan Muller
Spirit Airlines Master Executive Council Chairman
Air Line Pilots Association, International