United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510–6275

June 7, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
Washington, DC 20530

The Honorable John Kerry
Secretary
Department of State
Washington, DC 20520

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
Washington, DC 20528

The Honorable Thomas Perez
Secretary
Department of Labor
Washington, DC 20210

Dear Attorney General Lynch and Secretaries Johnson, Kerry, and Perez:

I write to express my concern, yet again, about the ongoing abuse of the B visa program that is hurting American workers and destroying the integrity of our immigration system. The B visa category is intended only for foreign visitors coming to the country temporarily for business or pleasure; the law explicitly prohibits coming to the United States as a B visitor "for the purpose of … performing skilled or unskilled labor."[1] And yet, despite this clear and unambiguous prohibition, employers seem to be able to evade that prohibition with ease and impunity, and in many cases with the blessing of the Administration.

In April 2011, I wrote to Secretary of State Clinton and Secretary of Homeland Security Napolitano about the abuse of the B visa category. I specifically discussed the ways in which foreign workers were being brought to the United States on B visas to work illegally. I cited as an example the allegations made at that time against Infosys Limited ("Infosys"), which was being investigated by Federal authorities for allegedly bringing foreign workers to the United States on B visas as a means of circumventing the rules and worker protections of the H-1B visa program. In October 2013, the Department of Homeland Security, Department of State, and United States Attorney's Office for the Eastern District of Texas entered into a settlement agreement with Infosys, as part of which the U.S. Government alleged that Infosys –

[1] Section 101(a)(15)(B), Immigration and Nationality Act. The sorts of activity that constitute permissible "business" activity in B visa status are also extremely limited. *See Karnuth v. United States ex. rel. Albro*, 279 U.S. 231, 243-44 (1929) (observing that "visitor for business" does not include activities essentially constituting "local labor for hire," especially given congressional intent of the Immigration Act of 1924 "to protect American labor against the influx of foreign labor"); *Matter of Hira*, 11 I&N Dec. 824, 827-30 (BIA 1965, 1966; A.G. 1966); *Matter of Cote*, 17 I&N Dec. 336, 338 (BIA 1980) (an alien need not be considered a "businessperson" to qualify as a business visitor "if the function he performs is a necessary incident to international trade or commerce").

> knowingly and unlawfully used B-1 visa holders to perform skilled labor in order to fill positions in the United States for employment that would otherwise be performed by United States citizens or require legitimate H-1B visa holders, for the purposes of increasing profits, minimizing costs of securing visas, increasing flexibility of employee movement, obtaining an unfair advantage over competitors, and avoiding tax liabilities."[2]

Infosys paid a settlement amount of $34 million, the largest payment ever levied in an immigration case.[3]

My April 2011 letter also discussed the ways that current State Department policy actually allows foreign workers servicing American client companies to be brought to the United States *legally* on B visas. I referenced in particular the State Department's "B in lieu of H-1B" policy, according to which a foreign national may come to the United States to work on a B visa, despite the clear statutory prohibition against coming to the United States as a B visitor for the purpose of "performing skilled or unskilled labor," so long as the foreign worker is employed by a foreign company and coming to work at a U.S. client of that foreign company.[4] At the time, I pointed out the practices of The Boeing Company, which, according to reports in *The Seattle Times*, was routinely bringing Russian engineers on B visas to work alongside American engineers at its aerospace design facilities in Seattle.

And now the ongoing abuse of the B visa category is once again at the center of scandals attracting widespread press and social media coverage. According to a story that broke in May in the San Diego *Mercury News*, Eisenmann Corporation ("Eisenmann"), a German manufacturer of industrial systems, was hired by Tesla Motors Inc. ("Tesla") to build a paint shop at one of its automotive manufacturing facilities.[5] Eisenmann, in turn, contracted ISM Vuzem USA, Inc. ("Vuzem"), a Slovenian company, to do the work.[6] Vuzem brought a work force of approximately 150 individuals to the United States on B visas to do the construction work.[7] One of those individuals was Gregor Lesnik, hired as a "supervisor of electrical and mechanical installation" with "specialized knowledge of the Eisenmann equipment and process systems and long experience installing them."[8] Lesnik was allegedly injured on the job and brought a lawsuit against Vuzem, Eisenmann and Tesla, "claiming he and scores of other Eastern European workers were brought to the U.S. on questionable visas and paid substandard wages."[9] In his complaint, Mr. Lesnik alleges he was paid the equivalent of less than $5 per hour for his

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[2] Settlement Agreement, Case 4:13-cv-00634 (filed Oct. 30, 2013), available at https://www.ice.gov/doclib/news/releases/2013/131030plano.pdf.

[3] Indian Corporation Pays Record Amount To Settle Allegations Of Systemic Visa Fraud And Abuse Of Immigration Processes, U.S. Department of Justice, Office of Public Affairs (Oct. 30, 2013), available at https://www.justice.gov/usao-edtx/pr/indian-corporation-pays-record-amount-settle-allegations-systemic-visa-fraud-and-abuse.

[4] 9 FAM 402.2-5(F).

[5] Louis Hansen, "Tesla contractor launches probe into pay, conditions for foreign workers," The Mercury News (May 18, 2016), available at http://www.mercurynews.com/business/ci_29909810/musk-we-paid-55-an-hour-factory-workers?utm_campaign=Echobox&utm_medium=Social&utm_source=Twitter#link_time=1463625032.

[6] Id.

[7] Id.; Lesnik v Vuzem, Second Amended Complaint for Damages, Alameda Superior Court no. HG15773484 (Feb. 29, 2016), at par. 48.

[8] Lesnik v. Vuzem, supra note 7, at par. 98.

[9] Id.; Lesnik v. Vuzem, supra note 7, at par. 133.

work, about ten times less than the prevailing wage for the type of work he was doing.[10] Tesla CEO Elon Musk and Eisenmann defended their companies' conduct by revealing that contracts between Tesla, Eisenmann, and Vuzem specified a $55 hourly labor rate.[11] Of course, just because the contract specified at $55/hour rate doesn't mean the Slovenian workers were actually paid $55/hour.

In May, it also came to light that a U.S. Department of Labor investigation found Bitmicro Networks Inc., a manufacturer of flash storage systems, had been paying some workers $1.66 an hour, far below the federal minimum wage of $7.25 an hour and California's minimum wage.[12] According to a press account, the 18 affected workers came from Bitmicro's subsidiary in the Philippines and were brought to Bitmicro's Fremont, California facility from July 21, 2012 to July 20, 2015 *on B-1 visas*.[13] Bitmicro has reportedly agreed to pay approximately $161,000 in back wages to the Filipino workers.[14]

The only reason the role played by B visas, and the alleged underpayment of such workers, in the Tesla case came to public notice was because of the workplace injury lawsuit brought by Mr. Lesnik; had that suit not been brought we likely would have never known about it. And yet, there are undoubtedly many other American companies using workers in B visa status to perform both high-skill and low-skill work – contrary to the law. In 2013, at the time of the settlement with Infosys, the special agent in charge of U.S. Immigration and Customs Enforcement's Homeland Security Investigations office in North Texas and Oklahoma said "There are other companies we know of that are using these same practices to be on a competitive footing and we are looking at them as well."[15] Michael Eastwood, the assistant district director of the San Jose, California office of the U.S. Department of Labor, recently told *The Mercury News*: "We have concluded that there is widespread abuse of the B-1 visa in the Bay Area."[16] With reference to the worker abuses in the Bitmicro case in particular, Mr. Eastwood said: "We have reason to believe this is unfortunately widespread, with tech companies taking advantage of the system and vulnerability, with overseas workers not likely to complain about the situation."[17]

The manner in which the B visa program is being used and the absence of real oversight and enforcement is a shame. Despite a long and undeniable history of abuse of the program to bring foreign workers into the United States under cover as "business visitors," regulations and field governance governing the program have not been updated in years. It's also obvious that investigation of B visa abuses and unauthorized employment of B visa holders is a rock-bottom

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[10] Id. See also Lesnik v. Vuzem, supra note 7, at par. 60.

[11] Tweet from Elon Musk (@elonmusk) (May 18, 2016; 3:51 p.m.) ("Merc News story about Tesla using $5/hr labor seems to be missing a digit. Tesla actually paid $55/hr.").

[12] Wendy Lee, "Bitmicro in Fremont fined for paying workers less than $2 an hour," SFGATE.com (May 3, 2016), available at http://www.sfgate.com/business/article/Bitmicro-in-Fremont-fined-for-paying-workers-less-7390909.php.

[13] Id.

[14] Id.

[15] Tom Schoenberg et al, "Infosys Settles with U.S. in Visa Probe," Bloomberg Technology (Oct. 31, 2013), available at http://www.bloomberg.com/news/articles/2013-10-30/infosys-settles-with-u-s-in-visa-fraud-probe.

[16] "Tesla worker betrayal brings call for action," The Mercury News (May 16, 2016), available at http://www.mercurynews.com/opinion/ci_29899513/mercury-news-editorial-tesla-worker-betrayal-brings-call.

[17] Lee, supra, note 12.

priority for all of your Departments – with the exception of the Department of Labor, which has been doing some good work in uncovering these abuses.

Given the problem such fraud and abuse in the B visa program poses for American workers as well as the foreign workers who are mistreated and underpaid, I request that the Departments respond to the concerns I have raised and the attached questions no later than June 22, 2016. Should you have any question, please contact Kathy Nuebel of my Committee staff at (202) 224-5225.

Sincerely,

Chuck Grassley

Charles E. Grassley
Chairman

Attachments
1. Questions
2. Letter from Sen. Charles E. Grassley to the Secretaries of State and Homeland Security, dated April 14, 2011.
3. Response of the Department of State to Letter from Sen. Charles E. Grassley, dated May 13, 2011.
4. Response of the Department of Homeland Security to Letter from Sen. Charles E. Grassley, dated July 18, 2011.
5. Letter from Sen. Charles E. Grassley to the Secretaries of State and Homeland Security, dated April 30, 2012.
6. Response of the Department of State to Letter from Sen. Charles E. Grassley, dated July 13, 2012.
7. Response of the Department of Homeland Security to Letter from Sen. Charles E. Grassley, dated September 20, 2012.

ATTACHMENT 1

QUESTIONS

1. In a letter from the Department of State, dated July 13, 2012, the Department stated that between 2007 and July 13, 2012 "more than 13,000" "B in lieu of H" visas were issued.
   a. Please provide an update of that total number, with a year-by-year breakdown for the number of "B in lieu of H" visas issued since 2007.
   b. Are consular officers required to annotate "B in lieu of H" visas? If not, would you consider making such annotations a requirement so that, from now on at least, the Department of State can better track how many such visas are issued?

2. Was the visa issued to Mr. Lesnik, or to any of the workers brought over by Bitmicro, considered a "B in lieu of H" visa – i.e. covered under 9 FAM 402.2-5(F)?

3. Were any of the visas issued to the group of Vuzem workers, or to the Bitmicro workers, *not* considered "B in lieu of H" visas?

4. How many B visas in total were issued to Vuzem workers for the Tesla construction project in question?

5. How many B visas in total were issued to Bitmicro workers in the Philippines between July 21, 2012 and July 20, 2015?

6. Federal regulations at 8 C.F.R. 214.2(b)(5) provide:

> Construction workers not admissible. Aliens seeking to enter the country to perform building or construction work, whether on-site or in-plant, are not eligible for classification or admission as B-1 nonimmigrants under section 101(a)(15)(B) of the Act. However, alien nonimmigrants otherwise qualified as B-1 nonimmigrants may be issued visas and may enter for the purpose of supervision or training of others engaged in building or construction work, but not for the purpose of actually performing any such building or construction work themselves.

   a. Was Mr. Lesnik's B visa application approved, notwithstanding his engagement in construction work, because he was deemed a "supervisor" in the work at the Tesla facility?
   b. How many of the B visas issued to the group of approximately 150 Vuzem workers were for supervisory positions?
   c. If any of the visas issued to the Vuzem workers were *not* for supervisory work, under what possible legal basis were they issued in light of the regulatory prohibition on construction work?
   d. Did any of the Vuzem workers present documentation to the U.S. consular officers adjudicating their visa applications misrepresenting the nature of their prospective activities in the United States?
   e. What is the exact legal justification for the supervisory exemption from the general prohibition on construction work in B visa status at 8 C.F.R. 214.2(b)(5)? Please cite

to specific Board of Immigration Appeals precedent cases and provide a full and detailed legal explanation.

7. The letter I received from the Department of Homeland Security on July 18, 2011, states that B-1 visitors can't work in the United States except for "very limited circumstances," and then cites as examples certain personal or domestic servants. Such servants (e.g. a maid or cook) are authorized to apply for employment authorization under 8 CFR 274a.12(c)(17) if they are accompanying an employer who is in the United States in B, E, F, H, I, J, or L nonimmigrant status. Please provide the exact legal justification for allowing domestic or personal servants to work, potentially for years, in the United States in B visa status. Please cite to specific Board of Immigration Appeals precedent cases and provide a full and detailed legal explanation. I am particularly interested in the legal justification for allowing employment in B status for a personal or domestic servant of an alien in long-term nonimmigrant status, such as an H-1B specialty occupation worker.

8. The Department of State, in its May 13, 2011 response to my April 14, 2011 letter, never answered this question: "What is the legal basis for the State Department's policy known as 'B-1 in lieu of H-1B'?" Please answer the question with a full and detailed legal explanation.

9. I observed in my April 14, 2011 letter that the Immigration and Naturalization Service (INS) in 1993 proposed a regulation to eliminate B-1 in lieu of H citing inconsistency with Congressional intent. This was the discussion from the 1993 proposed rule that I had in mind:

> The Service believes that, in light of the numerical restrictions, labor condition requirements, and revised definition of the H-1B category contained in [the Immigration Act of 1990], it would violate Congressional intent to allow admission of an otherwise classifiable H-1B nonimmigrant as a B-1 simply because the alien will not receive any salary or other remuneration from a U.S. source. It is, therefore, the position of the Service that the section of the [Operating Instructions] providing for "B-1 in lieu of H-1" status is now inconsistent with the Congressional intent to control the number of H-1B visas issued, as well as the intent to safeguard the working conditions of United States workers, and should be deleted.

"Nonimmigrant Classes; B Visitor for Business or Pleasure," U.S. Department of Justice, Immigration and Naturalization Service, Proposed Rule, 58 FR 58982, 58982-58983 (Nov. 5, 1993).

   a. Why was the 1993 proposed rule never finalized?
   b. Does the Department of Homeland Security stand by the assessment of the "B-1 in lieu of H" concept made by its predecessor agency in the 1993 proposed rule?

10. What are the potential sanctions, civil or criminal, that could be imposed on companies for employment of an unauthorized alien (section 274A of the Immigration and Nationality Act)?

11. What are the potential sanctions, civil or criminal, that could be imposed on the foreign workers brought over in B status by companies if they are found to have violated the terms and conditions of their B visa status?

12. How many of the Vuzem workers in question remain in the United States and in what immigration status?

13. How many of the Bitmicro workers in question remain in the United States and in what immigration status?

14. The letter I received from the Department of Homeland Security on July 18, 2011 states: "With regard to the 'B-1 in lieu of H-1B' interpretation, DHS will coordinate with the State Department to develop guidance clarifying the scope of activities permissible in the B-1 business visitor classification." The Department of State states in its letter dated May 13, 2011: "We are working with the Department of Homeland Security (DHS) to consider removing or substantially amending the FAM note that you referenced. ... We are in the process of discussing with DHS removing or substantially modifying the B-1 in lieu of H guidelines, which State first proposed eliminating in a 1993 Federal Register notice. This change requires DHS coordination and may require Federal Register notice, thus it may take some time before ... any change is implemented." Finally, the Department of Homeland Security stated in its letter dated September 20, 2012: "In coordination with the Department of State, DHS remains actively engaged in the development of guidance clarifying the scope of employment permissible in the B-1 business visitor classification."

    Almost four years have passed since the last of these assurances that B visa guidance was going to be overhauled and yet absolutely *nothing* has been done. In particular, discussions between State and DHS regarding the elimination of "B in lieu of H" were, by the Departments' own admission, occurring in 2011—*five years ago* – yet, again, nothing has been done, the integrity of the B visa program continues to be degraded, and American workers continue to be injured. Please describe, in detail, what, if anything, has been done since the last exchange of letters in 2011 and 2012 and when, exactly, updated regulatory or field guidance eliminating the "B in lieu of H" provisions and clarifying permissible activities in B status will be published.

15. According to the Infosys Settlement Agreement:

    (E) Infosys agrees to retain, at its own expense, an independent third-party auditor or auditing firm to review and report on its I-9 compliance. One year from the date this agreement is signed, and for one additional year, the auditor shall analyze a random sample of not less than four percent of Infosys's existing United States workforce to determine if the I-9 forms associated with the workforce have been completed and maintained in full compliance with the requirements of 8 U.S.C. § 1324a. The independent auditor or auditing firm must submit a signed report to the United States Attorney for the Eastern District of Texas regarding the results

of the analysis within 60 days of the first and second anniversaries of the signing of this Agreement.

(F) Infosys agrees that it will submit a report to the United States Attorney for the Eastern District of Texas, within 60 days of the first anniversary of the signing of this Agreement describing whether its B-1 visa use policies, standards of conduct, internal controls, and disciplinary procedures have been effective in ensuring compliance with paragraph III.A.3 of this Agreement. Infosys also understands that, for two years after the date of the signing of this Agreement, the United States will review random samples of documents that Infosys has submitted to U.S. Consular officials and other immigration officials in support of its B-1 visa holders to determine whether Infosys remains in compliance with this Agreement.[18]

(a) Please provide me with—
   (i) a copy of the reports described in (E) that have been filed so far; and
   (ii) the report required in (F) describing the effectiveness of Infosys B-1 visa policies.

(b) Have any reviews of random samples of documents that Infosys has submitted to consular officers, as described in (F), occurred? If so, what were the results of such reviews? Please send me a copy of any report of such random sample review. If such reviews have not happened, why not?

[18] Settlement Agreement, U.S. v. Infosys Limited, Case 4:13-cv-00634, United States District Court for the Eastern District of Texas (Oct. 30, 2013), par. IV(E)-(F), available at https://www.ice.gov/doclib/news/releases/2013/131030plano.pdf.

REPLY TO:

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United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510–1501

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☐ 131 WEST 3RD STREET
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☐ 307 FEDERAL BUILDING
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April 14, 2011

The Honorable Hillary Rodham Clinton
Secretary
U.S. Department of State
2201 C Street NW
Washington D.C. 20520

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
245 Murray Lane, Mailstop 0150
Washington, DC 20528-0150

Dear Secretary Clinton and Secretary Napolitano:

I'm very concerned about fraudulent actions that at least one foreign-based company has allegedly been taking in order to get around the requirements and U.S. worker protections of the H-1B visa program, and more generally, about provisions in current guidance to visa adjudicators that actually authorize such evasion of Congressional intent.

On February 23, 2010, a U.S. employee of Infosys Technologies Limited, Inc. ("Infosys") filed a complaint in the Circuit Court of Lowndes County, Alabama, alleging that his employer was "sending lower level and unskilled foreigners to the United States to work in full-time positions at Infosys' customer sites in direct violation of immigration laws." The plaintiff described ways that Infosys, one of the top ten H-1B petitioning companies, had worked to "creatively" get around the H-1B visa program in order to bring in low-skilled and low-wage workers, resulting in visa fraud against the U.S. Government.

Infosys, by its own admission, is an "H-1B dependent employer." Under the Immigration and Nationality Act, H-1B dependent employers must take good faith steps to recruit U.S. workers and to offer them compensation that is at least as great as that required to be offered to H-1B nonimmigrants.

The formal complaint against Infosys details how Infosys management in India decided to use the B-1 business visitor visa program to get around H-1B program restrictions. The plaintiff alleges that Infosys was importing foreign workers as B-1 business visitors under the guise of attending meetings rather than working for a wage as an employee of a U.S. company, which is forbidden under the statute and regulations governing the B-1 visa program. Under section 101(a)(15)(B) of the Immigration and Nationality Act, a B-1 visa holder may not come to the U.S. "for the purpose of…performing skilled or unskilled labor." Under State Department regulations, a B-1 visa holder may not engage in "local employment or labor for hire." If the allegations against Infosys are substantiated, American workers will have been hurt by this company's fraudulent actions, and the integrity of both the B-1 and H-1B visa programs will have been compromised.

More troubling than the illegal ways a company can get around the H-1B program's restrictions using the B-1 visa program are the legal ways companies can use the B-1 visa program to defy the intent of Congress. For example, the State Department's Foreign Affairs Manual (FAM) currently authorizes the granting of B-1 visas to foreign workers who should otherwise be seeking H-1B visas in cases where the worker is employed by a foreign company and is coming to the U.S. to work at a U.S. client of that foreign company. Specifically, the FAM states that to qualify for such B-1 in lieu of H-1B visas, "the employee must customarily be employed by the foreign firm, the employing entity must pay the employee's salary, and the source of the employee's salary must be abroad." Under this low threshold, a company could import workers via the B-1 business visitor visa and evade the H-1B visa cap and prevailing wage requirements that would otherwise apply to such workers so long as the workers could show that their paychecks were still coming from the foreign company. I believe a thorough review of the "B-1 in lieu of H-1B" provision in the Foreign Affairs Manual is warranted by both of your Departments, especially at a time when American workers are vying against foreign workers for employment in this country.

In light of the allegations against Infosys, and the potential for other employers to abuse the B-1 visa to get around the H-1B visa program, I would appreciate your cooperation to get to the bottom of the situation. I would also like information about how the B-1 visa is being used by employers and processed by consular officers, including the following:

- Statistics with regard to the numerical distribution of B-1 visas, including which employers are using them, how many B-1 visas are petitioned for and approved each year, and the lengths of time a visa holder remains in the United States on a B-1 visa.

- The number of "B-1 in lieu of H-1B" visas issued each year for the past five years, including the posts where such visas were issued, the U.S. companies hosting such workers, and the foreign companies paying the worker's salary.

- How does the Department of State verify an employer's claim that a B-1 visa holder will attend a meeting, convention, or other business appointment in the United States?

- What actions, if any, are being taken against employers who abuse the B-1 visa program? Will the Departments consider barring such employers from any visa program if found guilty of misusing the visa system? Will the Departments cease to approve visas for Infosys until the lawsuit in Alabama is settled? If not, what additional oversight and/or actions will be taken until the Infosys lawsuit is finalized?

- What is the legal basis for the State Department's policy known as "B-1 in lieu of H-1B"? The Immigration and Naturalization Service, in 1993, proposed a regulation to eliminate the "B-1 in lieu of H" category citing inconsistency with Congressional intent. Will the Department consider changes to the Foreign Affairs Manual so that this means of entry is not abused? Will the Department consider eliminating this provision altogether? How does the Department of Homeland Security feel about this State Department policy today?

My hope is that your Departments will cooperate to make sure that the B-1 visa program is not being abused by employers who wish to get around the annual caps and prevailing wage requirements imposed by the H-1B visa program. I look forward to your review of the issues I have raised, and would appreciate a response to my questions no later than April 28, 2011.

Sincerely,

Chuck Grassley

Charles E. Grassley
United States Senator

United States Department of State

Washington, D.C. 20520

MAY 13 2011

Dear Senator Grassley:

Thank you for your letter of April 14 in which you described potential fraud in the use of B-1 business visitor status and your concerns regarding the "B-1 in lieu of H-1B" note in the Foreign Affairs Manual ("FAM"). We are working with the Department of Homeland Security (DHS) to consider removing or substantially amending the FAM note that you referenced.

Specifically, the Infosys litigation you described appears to involve misrepresentation in the visa application, rather than a misapplication of visa law.

All business visa applicants must qualify under U.S. immigration law, and each of our consular posts has a fraud prevention unit to assist in verifying claims made by applicants. Our consular officers in India, in cooperation with our Office of Fraud Prevention Programs and DHS, have taken concrete steps to combat illegal work performed while in B-1 status. These steps include specific additional lines of questioning at the visa interview and suspension from the business visa facilitation program. When an applicant is traveling to the United States for long-term training, our consular officers in India probe for specific details, and the visa is refused if the applicant cannot fully articulate the need, duration, and other key facts. At one consulate, the net refusal rate has increased by 25 percent among this applicant pool. Our consular team in India also has a "Business Executive Program," which provides services to qualified businesses including expedited appointments. In the last year, five large employers have been suspended from this program as a result of fraud discovered in visa applications filed by purported employees. Applications from individuals claiming to work for those employers now receive particularly close scrutiny.

We are in the process of discussing with DHS removing or substantially modifying the B-1 in lieu of H guidelines, which State first proposed eliminating in a 1993 Federal Register notice. This change requires DHS coordination and may require Federal Register notice, thus it may take some time before the any change is implemented.

The Honorable
Charles E. Grassley,
United States Senate.

Regarding your request for statistics, it is difficult to identify accurate numbers because the B-1 in lieu of H is recorded as simply a B-1 visa, like other temporary business issuances. However, our consular team in India estimates that they issue fewer than 1,000 B-1 in lieu of H visas in any given year. In FY 2010, Indian nationals were issued 1,722 B-1 business visas, 2,345 B-2 tourist visas, and 294,120 combination B-1/B-2 visas.

Thank you for your letter, and we look forward to working with you and your staff on these issues. Be assured that we are constantly improving our fraud prevention efforts both at the consular level and in close cooperation with DHS agencies.

Sincerely,

Joseph E. Macmanus
Acting Assistant Secretary
Legislative Affairs

Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
Washington, DC 20528

JUL 1 8 2011

Homeland Security

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

Dear Senator Grassley:

Thank you for your letter to the Department of State and the Department of Homeland Security (DHS) regarding the alleged use of B-1 business visitor visas to circumvent the requirements of the H-1B nonimmigrant visa program. I understand that the State Department has responded separately on matters that fall within its purview, including the B-1 visa process overseas and the Foreign Affairs Manual.

Although the State Department has jurisdiction over determining visa eligibility and issuance of B-1 visas abroad, DHS is responsible for determining the admissibility of aliens at U.S. ports of entry and the immigration status violations of aliens in the interior of the United States. This responsibility is distinct from visa issuing authority. Issuance of a B-1 visa allows the alien to make application for admission at a port of entry as a visitor for business. Upon application for admission, the alien must show the inspecting U.S. Customs and Border Protection Officer that their purpose is consistent with the visa classification, and that they intend to abide by the terms and conditions of the visa classification and admission.

U.S. Immigration and Customs Enforcement (ICE) enforces immigration law violations related to employment in the United States. Enforcement actions may include seeking the removal of a nonimmigrant alien for having worked without authorization or seeking civil monetary penalties against an employer under section 274A of the *Immigration and Nationality Act* (INA) for having knowingly employed an unauthorized alien in the United States, having knowingly contracted for the labor of an unauthorized alien, or having failed to comply with employment eligibility verification requirements (the Form I-9).

B-1 nonimmigrant visitors for business are not authorized to be employed in the United States, except in the very limited circumstances (certain personal or domestic servants, or foreign airline personnel who apply for and are granted an Employment Authorization Document) described in DHS regulations at 8 C.F.R. § 274a.12(c)(17). Longstanding case law and policy recognize the nature and scope of activity that legitimately falls within the description of permissible business visitor activity for a B-1 business visitor. Whether a particular business activity is lawful for a B-1 visitor (neither constituting a violation of status nor qualifying as employment in the United States for

purposes of the employer sanctions provisions and requiring an I-9 on the part of the employer) is not always clear. See, e.g., Matter of Hira, 11 I&N Dec. 824 (BIA 1965, 1966; A.G. 1966). Each particular case must be examined on its specific facts in light of prevailing law and guidance. Under the DHS regulations at 8 C.F.R.§ 274a.9(a), any person or entity who believes that an employer is in violation may submit a complaint in writing to ICE For appropriate investigative action.

The law prohibits a person or entity from hiring or recruiting an alien knowing that the alien is unauthorized to work in the United States, or to continue to employ the alien knowing that the alien is or has become an unauthorized alien with respect to such employment. Sanctions for such violations can include criminal and civil penalties. See 8 C.F.R. §274a.10.

Existing law does not authorize DHS to debar an individual company or alien from approval of petitions or applications for immigration benefits based on a finding of violation by the alien of the terms and conditions of admission as a B-1 business visitor or of fraud on the part of a U.S. company that illegally employed the B-1 visitor. (Such debarment authority does exist, though, for violations of other visa programs. See 8 U.S.C. 212(n)(2)(C)(i)(II) and (ii)(II) (debarment for violation of H-1B program requirements); 8 U.S.C. 1184(c)(14)(A)(ii) (debarment for violation of H-2B program requirements).) However, if a business entity or individual is convicted of civil or criminal violations, the person or business may be subject to debarment under the Federal Acquisition Regulation (FAR), an administrative process that protects the government from doing business with, assisting, or conferring certain benefits on irresponsible employers and individuals. Although debarment under the FAR may not specifically prevent a business or individual from getting a visa, such debarment would make that person or business ineligible from receiving Federal Government contracts, grants, loans, insurance, non-entitlement benefits, licenses, and other business-type relationships. In fiscal year 2010, ICE debarred 146 individuals and businesses. See ttps://www.epls.gov/.

U.S. Citizenship and Immigration Services (USCIS) is responsible for adjudicating applications for extensions of stay and changes of status, including for the B-1 visa classification. Through its adjudications process, USCIS determines whether the applicant meets the requirements for the nonimmigrant classification and whether the applicant has properly maintained his or her previous nonimmigrant status. Failure to comply with the terms and conditions of the previous nonimmigrant status, including working without authorization, is grounds for denying the application and may affect the alien's ability to remain in the United States. Under the INA, aliens who have been admitted to the United States but have violated their status or the conditions placed upon their entry are removable. See INA §237(a)(1)(C). USCIS has also assigned Fraud Detection and National Security Immigration Officers to the State Department's Kentucky Consular Center to assist in the detection of fraud in nonimmigrant visa applications pending before State.

With regard to the "B-1 in lieu of H-1B" interpretation, DHS will coordinate with the State Department to develop guidance clarifying the scope of activities permissible in the B-1 business visitor classification.

Thank you again for your letter. DHS is committed to working with the Department of State to ensure the integrity of all U.S. visa programs and procedures, including the B-1 and H-1B visa programs. I hope to continue to foster a close working relationship with you on these and other homeland security-related matters. Should you need additional assistance, please do not hesitate to contact me at (202) 447-5890.

Respectfully,

Nelson Peacock
Assistant Secretary
Office of Legislative Affairs

cc: Joseph E. MacManus
Acting Assistant Secretary
Legislative Affairs
U.S. Department of State

REPLY TO:

☐ 135 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510–1501
(202) 224–3744
e-mail: grassley.senate.gov/contact.cfm

☐ 721 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309–2140
(515) 288–1145

☐ 150 1ST AVENUE NE
SUITE 325
CEDAR RAPIDS, IA 52401
(319) 363–6832

United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510–1501

REPLY TO:

☐ 103 FEDERAL COURTHOUSE BUILDING
320 6TH STREET
SIOUX CITY, IA 51101–1244
(712) 233–1860

☐ 210 WATERLOO BUILDING
531 COMMERCIAL STREET
WATERLOO, IA 50701–5497
(319) 232–6657

☐ 131 WEST 3RD STREET
SUITE 180
DAVENPORT, IA 52801–1419
(563) 322–4331

☐ 307 FEDERAL BUILDING
8 SOUTH 6TH STREET
COUNCIL BLUFFS, IA 51501–4204
(712) 322–7103

April 30, 2012

The Honorable Hillary Rodham Clinton
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
245 Murray Lane, Mailstop 0150
Washington, D.C. 20528-0150

Dear Secretary Clinton and Secretary Napolitano:

I write again to express my concerns about the B-1 visa program, particularly the so-called "B-1 in lieu of H-1B" policy, and seek your cooperation to determine if some companies are abusing this avenue to bring in cheaper foreign labor.

Last April, I wrote to both of you about the "B-1 in lieu of H-1B" policy, and asked that the policy, which is included in the State Department Foreign Affairs Manual but omitted in Homeland Security guidance, be reconsidered. To date, nothing on this issue has been done, despite a fairly positive response from the State Department that they were working on "removing or substantially amending the FAM."

I remain concerned about fraudulent actions that some companies may be taking in order to get around the requirements and U.S. worker protections of the H-1B visa program. While my previous letter on this issue focused on a lawsuit pending against Infosys, it has come to my attention that The Boeing Company ("Boeing") may have employed similar tactics to bring in foreign workers.

According to a report in the *Seattle Times*, 18 Russian engineers arrived in Seattle on October 14, 2011, with B-1 visas. Officials from U.S. Customs and Border Protection (CBP) interviewed the arriving individuals and found that their stories about what they would do in the country did not correspond with the terms of their visas. Records provided by the Seattle Times to my office reveal the following notes between the foreign nationals and CBP officials (who took statements under oath in a sworn affidavit):

- One individual admitted that, prior to her trip, she was told by her company (Nik, Ltd.) that she would perform the same work in the United States as she did in Russia. This person admitted that she would be working alongside Boeing employees. She also said she was instructed by her company not to state that she would be working in the United States.
- One individual stated that he was invited by Boeing and presented an invitation letter to attend training, but admitted that it "was not the whole truth."
- Several individuals admitted that they intended to work at Boeing five days a week, eight hours a day.

- One individual stated that the letter he presented to the U.S. Consulate in Moscow was not entirely correct in its context, and that he would be working, not training. When asked by the CBP officer if an American could perform the work, he stated that "Boeing needs to hire one" and that "it was his belief that it was cheaper to hire Russian engineers."
- One individual told officers that he would not do any hands-on work at the Boeing plant in Everett, Washington, but later, under oath, he admitted that he would.

It was apparent to CBP officers that these foreign nationals were not traveling to the United States to receive or provide training; attend a conference, meeting or trade show; be a speaker, lecturer, or researcher; or perform sales or sign contracts; which are the types of activities appropriate for a B-1 visa. It's my understanding that all 18 B-1 visa holders were turned away on October 14, 2011. In light of the report and the CBP documentation, I was dismayed to read earlier this month a follow-up story in the *Seattle Times* stating that Boeing has not changed its practices, and that about 250 additional Russian contract engineers have entered the country to work with Boeing.

Given these reports and my ongoing concern about this issue, I ask for your help in answering the following questions about Boeing and the use of B-1 visas:

1. How many B-1 visas has Boeing petitioned for in the last five years? How many have been approved and how many denied?
2. How many B-1 visa holders, other than those encountered by CBP on October 14, have been turned away at a port of entry in the last five years?
3. What other previous trips had each of the 18 workers (from October 14, 2011) made to the United States? Under what visa classification and for how long were their previous stays in the United States?
4. How often, if at all, does the Department of Homeland Security conduct site visits of companies that regularly receive B-1 visitors? Has or will the Department of Homeland Security conduct an on-site review or I-9 audit of Boeing? If not, why not?
5. In light of the recent reports about certain companies using B-1 visas to circumvent other employment visa programs, are CBP officers receiving updated guidance on how to handle B-1 visa entries? Are consular officers receiving guidance or training to detect fraud by B-1 visa applicants?

It's my hope that your Departments will provide as much information to my office as possible about this matter, including any other relevant information not requested in this letter. In doing so, we can work together to ensure that companies are abiding by the law and not ignoring American workers at home who may be able to do these high skilled jobs.

I look forward to hearing from you.

Sincerely,

Chuck Grassley

Charles E. Grassley
United States Senator

United States Department of State

Washington, D.C. 20520

12 JUL 13 PM 7:09

JUL 13 2012

Dear Senator Grassley:

Thank you for your letter of April 30. We understand your clearly stated concerns regarding the misuse of nonimmigrant visitor (B) visas by companies seeking to evade the restrictions and U.S. worker protections applicable to H-1B visas. We also understand your more specific concerns regarding the utilization of the "B in lieu of H" process by the Boeing Company. We have reviewed Department consular records and were able to gather additional information to address those specific issues that are under the jurisdiction of the Department of State. The Department of Homeland Security (DHS) will send a separate response addressing the issues that are under its jurisdiction.

As noted in our interim response dated May 14, applicants seeking visitor (B) visas for business purposes must qualify for the visa under the Immigration and Nationality Act (INA). They do not have petitions filed for them by employers, rather, the applicant completes an online nonimmigrant visa application and submits it to the U.S. embassy or consulate with jurisdiction over where s/he resides. Once the application is submitted and a face-to-face interview conducted, the consular officer determines whether the applicant is eligible for the visa. The B visa process for an applicant normally classifiable as a temporary worker (B in lieu of H) is processed in the same way as an ordinary B visa applicant who may apply for a visa to visit the United States for business. Because of the limitations of our database, we can only provide you with the estimates and not exact figures.

We searched Department records that had "B in lieu of H", "B1 in lieu of H1-B", or "9 FAM 41.31 N11" (the section of the Foreign Affairs Manual that provides guidelines on B in lieu of H), listed in the annotation field of the visa. In 2007, there were 1,808 visas issued with such annotations; there were 1,396 visas issued in 2008; 1,275 issued in 2009; 2,552 issued in 2010; 4,052 issued in 2011; and, 1,967 issued so far in 2012. Of the more than 13,000 B in lieu of H visas issued from 2007 to present, 223 of them had the word Boeing mentioned somewhere in the visa application, although not all would have been traveling to perform services under the B1 in lieu of H rule. The period of validity of a

The Honorable
Charles E. Grassley,
United States Senate.

nonimmigrant visa is based on reciprocity, so any of those visas could be valid for up to 10 years from when they were issued. Additionally, some individuals may have entered the United States to perform the types of services envisioned under Department B1 in lieu of H guidelines using previously issued B visas that would not include the annotations noted above.

You have also stated your concerns about the training and guidance that consular officers receive in detecting fraud by B visa applicants. Each of our consular posts has an officer designated as the fraud prevention manager to assist with verifying claims made by all visa applicants. Consular officers, in cooperation with our Department's Office of Fraud Prevention Programs and DHS, have taken several steps to combat unauthorized work performed while traveling on a B visa. Consular officers ask additional questions when an applicant is traveling to the United States for long- term training, and the visa is refused if the applicant cannot fully articulate the need, duration, and other specifics related to their travel. Only if the consular officer is convinced that the applicant is qualified and is coming to the United States for a purpose consistent with U.S. immigration law and regulations will a visa be issued.

Our Department continues to discuss with DHS removing or substantially modifying the B1 in lieu of H guidelines. This requires DHS coordination and may take some time before any change is implemented.

We look forward to continuing our work with you on this issue. We trust this information is responsive to your concerns. Please do not hesitate to let us know if we can be of further assistance.

Sincerely,

David S. Adams
Assistant Secretary
Legislative Affairs

Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

September 20, 2012

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

Dear Senator Grassley:

Thank you for your letter to the Department of State and the Department of Homeland Security (DHS) expressing your concern about U.S. employers using B-1 nonimmigrant business visitor visas to circumvent the requirements of the H-1B visa program and other temporary worker programs. B-1 nonimmigrant business visitors are not authorized to be employed in the United States, except in extremely limited circumstances.

In coordination with the Department of State, DHS remains actively engaged in the development of guidance clarifying the scope of employment permissible in the B-1 business visitor classification. The issue is exceptionally complex, requiring careful review of the relevant law and administrative precedent, and may require rulemaking. DHS remains firmly committed to working with the Department of State to ensure the integrity of all U.S. visa programs and procedures, including the B-1 visa program.

I have enclosed a separate document with responses to your questions. The Department of State separately addressed your questions in its response. We appreciate your concerns and welcome your feedback on this issue. Should you need additional assistance, please do not hesitate to contact me at (202) 447-5890.

Respectfully,

Nelson Peacock
Assistant Secretary for Legislative Affairs

Enclosures

cc: The Honorable David S. Adams, Assistant Secretary for Legislative Affairs
Department of State

Department of Homeland Security Responses
to Questions Outlined in Senator Grassley's April 30, 2012 letter
to the Department of State and Department of Homeland Security

1. **How many B-1 visas has Boeing petitioned for in the last five years? How many have been approved and how many have been denied?**

Nonimmigrant visitors for business may seek admission to the United States after being granted a B-1 visa by the Department of State or, if eligible, pursuant to the Visa Waiver Program or otherwise authorized visa-free travel. No underlying petition is required. DHS defers to the Department of State regarding approvals and denials of B-1 visa applications.

2. **How many B-1 visa holders, other than those encountered by CBP on October 14 [2011 at the Seattle-Tacoma International Airport], have been turned away at a [U.S.] port of entry in the last five years.**

While DHS tracks the number of individuals refused entry in general, it does not track inadmissibility determinations based on the visa classification sought by the inadmissible alien. Overall, however, U.S. Customs and Border Protection (CBP) determines more than 200,000 nonimmigrant applicants inadmissible every year. Over the past five years, CBP found approximately one million applicants inadmissible to the United States.

3. **What other trips had each of the 18 workers (from October 14, 2011) made to the United States? Under what visa classification and for how long were their previous stays in the United States?**

Attached please find a chart detailing the number of entries to and from the United States, the length of each stay, and the relevant visa classification, for these individuals until March 2012. Please note that all personally identifiable information has been removed for privacy reasons.

4. **How often, if at all, does the Department of Homeland Security conduct site visits of companies that regularly receive B-1 visitors? Has or will the Department of Homeland Security conduct an on-site review or I-9 audit of Boeing? If not, why not?**

Effective worksite enforcement is necessary to ensure the integrity of our immigration system and to promote compliance in the business community. U.S. Immigration and Customs Enforcement (ICE) regularly conducts worksite investigations based upon leads and intelligence information it receives from various sources, including federal, state, or local law enforcement agencies; non-law enforcement agencies; non-governmental organizations; the business community; and the public. As a matter of ICE policy, the agency can neither confirm nor deny the existence of an ongoing investigation. Generally, ICE may investigate companies across a wide spectrum of industries, including those that may employ B-1 business visitors outside the scope of the law and regulations.

5. **In light of the recent reports about certain companies using B-1 visas to circumvent other employment visa programs, are CBP officers receiving updated guidance on how to handle B-1 visa entries? Are [State Department] consular officers receiving guidance or training to detect fraud by B-1 visa applicants?**

CBP officers receive intensive training on the admissibility requirements during their Academy Basic Training, as well as during the mandatory on-the-job training program. Additionally, CBP officers are provided periodic employee training on the procedures, terms of admission, and permissible activities for B-1 temporary visitors for business. DHS defers to the Department of State regarding the training of consular officers.

Prior Admissions by Boeing Visitors Denied Admission
on October 14, 2011 at Seattle-Tacoma International Airport

Name	Document	Crossing Date	Location	Airport	Inbound/Outbound/Transit		Class of Admission
Person #1							
	715127791	20111015	AMS	Amsterdam	O		**Departed**
	715127791	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	630271604	20110317	SVO	Moscow	O		
	630271604	20110209	L301	Sea/Tac	I		**B1**
	630271604	20110206	L301	Sea/Tac	I		**B1**
	630271604	20110114	A471	JFK	I		**B1**
		20110112	AB52	JFK	I		**B1**
	630271604	20101004	SVO	Moscow	O		
	630271604	20101001	SVO	Moscow	O		
	630271604	20100909	A475	JFK	I		**B2**
	630271604	20100826	SVO	Moscow	O		
	630271604	20100813	L301	Blaine, Wa	I	land border crossing	**B2**
	630271604	20100811	L301	Blaine, Wa	I	land border crossing	**B2**
	630271604	20100607	A475	JFK	I		**B2**
	630271604	20091221	SVO	Moscow	O		
	630271604	20091220	L301	Blaine, Wa	I	land border crossing	**B1**
	630271604	20091206	L301	Blaine, Wa	I	land border crossing	**B1**
	630271604	20091013	A475	JFK	I		**B1**
	630271604	20090729	SVO	Moscow	O		
	630271604	20090512	A475	JFK	I		**B1**
	630271604	20081223	SVO	Moscow	O		
	630271604	20081006	A475	JFK	T		
	630271604	20080624	SVO	Moscow	O		
	630271604	20080326	A011	Bangor	T		
	630271604	20071004	SVO	Moscow	O		
	630271604	20070809	A171	Atlanta	T		
	630271604	20070621	SVO	Moscow	O		
	630271604	20070621	SVO	Moscow	T		
Person #2							
	631889407	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	631889407	20111014	AMS	Amsterdam	O		**Departed**
	631889407	20110430	AMS	Amsterdam	O		
	631889407	20110127	A475	JFK	I		**B1**
	431889407	20101216	SVO	Moscow	O		

631889407	20101022	A475	JFK	I	**B1**
631889407	20100422	SVO	Moscow	O	
631889407	20100219	A475	JFK	I	**B1**
631889407	20091217	SVO	Moscow	O	
631889407	20091030	A475	JFK	I	**B2**
631889407	20090619	SVO	Moscow	O	
631889407	20090417	A475	JFK	I	**B2**
631889407	20080911	SVO	Moscow	O	
631889407	20080620	A475	JFK	I	**B1**
631889407	20080109	A171	Atlanta	I	**B1**
631889407	20071129	SVO	Moscow	O	
631889407	20070907	A171	Atlanta	I	**B1**

Person #3

704054932	20111015	AMS	Amsterdam	O	**Departed**
704054932	20111014	A301	Sea/Tac	I	**Withdrawn/B1**
704054932	20110414	SVO	Moscow	O	
704054932	20110204	A475	JFK	I	**B1**
704054932	20100930	SVO	Moscow	O	
704054932	20100709	A171	Atlanta	I	**B1**
621168380	20090219	SVO	Moscow	O	
621168380	20081204	A171	Atlanta	I	**B1**
621168380	20080925	SVO	Moscow	O	
621168380	20080630	A171	Atlanta	I	**B1**

Person #4

635770322	20111014	A301	Sea/Tac	I	**Withdrawn/B1**
635770322	20111014	AMS	Amsterdam	O	**Departed**
635770322	20110609	AMS	Amsterdam	O	
635770322	20110325	A475	JFK	I	**B1**
635770322	20100506	SVO	Moscow	O	
635770322	20100312	A475	JFK	I	**B1**
635770322	20091222	SVO	Moscow	O	
635770322	20091106	A475	JFK	I	**B2**
635770322	20090610	SVO	Moscow	O	
635770322	20090410	A475	JFK	I	**B2**
635770322	20081113	SVO	Moscow	O	
635770322	20081003	A475	JFK	T	
635770322	20080911	SVO	Moscow	O	
635770322	20080718	A475	JFK	I	**B2**

Person #5

716059080	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
716059080	20111014	AMS	Amsterdam	O		**Departed**
630034557	20080529	SVO	Moscow	O		
630034557	20080306	A171	Atlanta	I		**B1**
630034557	20071220	SVO	Moscow	O		
630034557	20070927	A171	Atlanta	T		
60NO1456832	20060415	A271	LAX	I		**B1**
60N1456832	20050605	YVR	Vancouver	O		
601456832	20050517	A301	Sea/Tac	I		**B1**
601456832	20050118	A301	Sea/Tac	I		**B1**
601456832	20041223	SVO	Moscow	O		
601456832	20040928	A301	Sea/Tac	I		**B1**
601456832	20040803	SVO	Moscow	O		
601456832	20040513	A301	Sea/Tac	I		**B1**
60N1456832	20031220	SVO	Moscow	O		
601456832	20030926	A281	San Francisco	I		**B1**
601456832	20020823	A301	Sea/Tac	I		**B1**
601456832	20020823	A301	Sea/Tac	I		**B1**
601456832	20020823	A281	San Francisco	I		**B1**

Person #6

700306114	20111015	AMS	Amsterdam	O		**Departed**
700306114	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
700306114	20110317	AMS	Amsterdam	O		
700306114	20110202	A471	JFK	I		**B1**
700306114	20110107	SVO	Moscow	O		
700306114	20101229	L092	Buffalo, NY	I	land border crossing	**B1**
700306114	20101112	A475	JFK	I		**B1**
700306114	20100513	SVO	Moscow	O		
700306114	20100312	A475	JFK	I		**B1**
700306114	20091217	SVO	Moscow	O		
700306114	20091030	A475	JFK	I		**B1**
700306114	20081113	SVO	Moscow	O		
700306114	20080919	A475	JFK	I		**B1**
605362738	20071122	SVO	Moscow	O		
605362738	20070921	A171	Atlanta	I		**B1**
605362738	20070518	SVO	Moscow	O		
605362738	20070223	A041	Boston	I		**B2**
605362738	20060916	SVO	Moscow	O		

	605362738	20060624	A171	Atlanta	I		**B2**
Person #7							
	EE971466	20111015	AMS	Amsterdam	O		**Departed**
	EE971466	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	EE971466	20110804	AMS	Amsterdam	O		
	EE971466	20110513	A475	JFK	I		**B1**
Person #8							
	635751623	20111015	AMS	Amsterdam	O		**Departed**
	635751623	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	635751623	20110310	SVO	Moscow	O		
	635751623	20110121	A475	JFK	I		**B1**
	635751623	20100722	SVO	Moscow	O		
	635751623	20100618	A171	Atlanta	I		**B1**
	635751623	20081225	SVO	Moscow	O		
	635751623	20081107	A475	JFK	I		**B1**
	604983399	20061006	AMS	Amsterdam	O		
	604983399	20061006	BCN	Barcelona	O		
	604983399	20060825	A171	Atlanta	I		**B1**
Person #9							
	716135923	20111015	AMS	Amsterdam	O		**Departed**
	716135923	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	626702446	20110721	SVO	Moscow	O		
	626702446	20110513	A475	JFK	I		**B1**
	626702446	20110107	SVO	Moscow	O		
	626702446	20101229	L092	Buffalo, NY	I	Land border crossing	**B1**
	626702446	20101212	L301	Sea/Tac	I		**B1**
	626702446	20101112	A475	JFK	I		**B1**
	626702446	20100812	SVO	Moscow	O		
	626702446	20100604	A475	JFK	I		**B1**
	626702446	20091217	SVO	Moscow	O		
	626702446	20091009	A475	JFK	I		**B1**
	626702446	20090701	SVO	Moscow	O		
	626702446	20090410	A475	JFK	I		**B1**
	626702446	20080918	SVO	Moscow	O		
	626702446	20080711	A171	Atlanta	I		**B1**
	626702446	20070816	SVO	Moscow	O		
	626702446	20070622	A171	Atlanta	I		**B1**
	2016393	20040916	VIE	Vienna	O		

	602016393	20040630	A471	JFK	I	**J-1**
	602016393	20020630	A471	JFK	I	**J-1**
	602016393	20020630	A477	JFK	I	**J-1**
Person #10						
	713437269	20111015	AMS	Amsterdam	O	**Departed**
	713437269	20111014	A301	Sea/Tac	I	**Withdrawn/B1**
Person #11						
	703387010	20111016	AMS	Amsterdam	O	**Departed**
	703387010	20111015	AMS	Amsterdam	O	**rebooked later flight**
	703387010	20111014	A301	Sea/Tac	I	**Withdrawn/B1**
	703387010	20110505	AMS	Amsterdam	O	
	703387010	20110218	A475	JFK	I	**B1**
	703387010	20100504	A475	JFK	I	**B1**
	703387010	20091217	SVO	Moscow	O	
	703387010	20091016	A475	JFK	I	**B1**
Person #12						
	713271832	20111014	A301	Sea/Tac	I	**Withdrawn/B1**
	713271832	20111014	AMS	Amsterdam	O	**Departed**
		20111007	AB52	JFK	I	**B1**
	627358124	20101222	SVO	Moscow	O	
	627358124	20101008	A475	JFK	I	**B1**
	627358124	20100513	SVO	Moscow	O	
	627358124	20100215	A475	JFK	I	**B1**
	627358124	20090923	SVO	Moscow	O	
	627358124	20090624	A475	JFK	I	**B1**
	627358124	20080717	SVO	Moscow	O	
	627358124	20080421	A011	Bangor	I	**B1**
	627358124	20080403	SVO	Moscow	O	
	627358124	20080114	A171	Atlanta	I	**B1**
	627358124	20071219	SVO	Moscow	O	
	627358124	20070831	A171	Atlanta	I	**B1**
	627358124	20070816	SVO	Moscow	O	
	627358124	20070525	A171	Atlanta	I	**B1**
	627358124	20070406	SVO	Moscow	O	
	627358124	20070126	A041	Boston	I	**B1**
	627358124	20061221	SVO	Moscow	O	
	627358124	20061020	A041	Boston	I	**B1**

	627358124	20060929	SVO	Moscow	O		
	627358124	20060708	A171	Atlanta	I		**B1**
Person #13							
	71181183	20111016	AMS	Amsterdam	O		**Departed**
	711813183	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	711813183	20110721	SVO	Moscow	O		
	711813183	20110510	A171	Atlanta	I		**B1**
	711813183	20101222	SVO	Moscow	O		
	711813183	20101108	A475	JFK	I		**B1**
	624705787	20101021	SVO	Moscow	O		
	624705787	20100820	A475	JFK	I		**B1**
Person #14							
	713232985	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	713232985	20110929	SEA	Amsterdam	O		
	713232985	20110708	A301	Sea/Tac	I		**B1**
Person #15							
	717872659	20120518	A475	JFK	I	Admitted B-1 JFK	**B1**
	634557100	20111015	AMS	Amsterdam	O		
	634557100	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	634557100	20091003	DME	Moscow	O		
	634557100	20090630	A542	Dulles D.C.	I		**J-1**
	634557100	20080930	DME	Moscow	O		
	634557100	20080709	A392	Chicago	I		**J-1**
Person #16							
	712512585	20111014	AMS	Amsterdam	O		**Departed**
	712512585	20111013	A301	Sea/Tac	I		**Withdrawn/B1**
	712512585	20110922	SEA	Amsterdam	O		
	712512585	20110630	A301	Sea/Tac	I		**B1**
Person #17							
	638557732	20111015	AMS	Amsterdam	O		**Departed**
	638557732	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	D38557732	20110609	AMS	Amsterdam	O		
	638557732	20110401	A301	Sea/Tac	I		**B1**
	638557732	20101216	SVO	Moscow	O		
	638557732	20101019	A471	Sea/Tac	I		**B1**
	638557732	20100701	SVO	Moscow	O		

	638557732	20100531	L301	Blaine, Wa	I	Land border crossing	**B1**
	638557732	20100409	A475	JFK	I		**B1**
	638557732	20091217	SVO	Moscow	O		
	638557732	20090923	A475	JFK	I		**B1**
	60N6371528	20061003	CDG	Paris	O		
	606371528	20060626	A471	JFK	I		**J-1**
	606371528	20050628	A471	JFK	I		**J-1**
Person #18							
	715920191	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	628725177	20110609	AMS	Amsterdam	O		
	628725177	20110401	A475	JFK	I		**B1**
	28725177	20080821	SVO	Moscow	O		
	28725177	20080627	A475	JFK	I		**B1**
	628725177	20080605	SVO	Moscow	O		
	628725177	20080314	A011	Bangor	I		**B1**
	628725177	20070712	SVO	Moscow	O		
	628725177	20070421	A041	Boston	I		**B1**
	628725177	20070317	SVO	Moscow	O		
	628725177	20070113	A041	Boston	I		**B1**

B1 in Lieu of H noted in CCD issued 4/25/2012