

H2B/E-3 Specialty Occupation Workers from Australia

There is a troubling development that threatens U.S. jobs, the stability and safety culture of our air transportation system and runs counter to the stated goals from both sides of the aisle to empower workers and secure our nation's airspace. This troubling development is the misuse of the "specialty occupation" visa designation to artificially suppress pilot compensation and displace qualified U.S. workers. 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. Despite a verifiable excess of available, qualified pilots in the United States; Spirit Airlines, for example, is actively seeking to recruit for pilot positions from Australia using the E-3 visa program.

What is a designated E-3 Visa Specialty Occupation Worker from Australia?

The E-3 classification applies only to nationals of Australia. An Australian citizen must be coming to the United States solely to perform services in a specialty occupation. The specialty occupation requires theoretical and practical application of a body of highly specialized knowledge and the attainment of a bachelor's or higher degree in the specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States.¹

"Just Culture" is a critical safety component within U.S. Airline operations.

A "Just Culture" is defined as one where front-line operators and others are not punished for actions, omissions, or decisions taken by them that are commensurate with their experience and training. (As always, gross negligence, willful violations and destructive acts are never tolerated.) Foreign pilots seeking visa waivers and employment at U.S.-based Airlines would be employed under similar contractual requirements as U.S. Nationals in terms of pay and working conditions. However, one exception would be that the sponsoring employer could cease such sponsorship at any moment and without cause. This weakens the "Just Culture" employment dynamic existing among most major U.S. airlines. Foreign visa pilots, contending with any safety concerns that arise, may be less likely to willingly raise those concerns for fear of reprisal or loss of continued employment by their sponsoring airline. Congress should step in to investigate whether the Government agencies involved in reviewing the specialty visas are applying the approvals correctly, and if not, prevent Spirit Airlines and other U.S. air carriers from misusing visa programs to undercut U.S. airline pilot jobs and weaken our safety culture.

For questions or additional information please email GAC-Chairman@alliedpilots.org

¹ U.S. Citizenship & Immigration Services (n.d.) (Retrieved June 9th, 2023, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/e-3-specialty-occupation-workers-from-australia>)