



Office of the Press Secretary

FOR IMMEDIATE RELEASE

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BACKGROUND PRESS CALL
BY SENIOR ADMINISTRATION OFFICIAL
ON THE ADMINISTRATION'S UPCOMING IMMIGRATION ACTION

Via Teleconference

3:05 P.M. EDT

SENIOR ADMINISTRATION OFFICIAL: Thank you, sir. Good afternoon, everyone. Thanks so much for taking the time to join this background briefing regarding the administration's upcoming immigration action.

The ground rules are as follows: The information on the call is on background and can be attributable to a senior administration official. And the content is embargoed until the end of this call.

Today's participants are [senior administration officials].

As a reminder, participating in this call, you are agreeing to the ground rules I've set forth. And with that, I'll turn the call over to [senior administration official].

SENIOR ADMINISTRATION OFFICIAL: Thank you. I appreciate it. And I thank everybody for joining us today. This was a lot of immigration and economic news from the President. He is leading an America First recovery. And as part of that, he's extending and expanding the suspension of certain visas through the end of this calendar year 2020 -- so through December 31st.

You'll recall, on April 22nd, that he put in place a 60-day pause on incoming green cards coming into the country who can take any job they like once they're here. And that is being extended to the end of the year. And the President is expanding that measure in light of the -- frankly, the expanding unemployment and the number of Americans who are out of work. And he is going to include a number of non-immigrants visas: the H-1B visa, H-4 visa, the H-2B visa, and J and L visas.

The H-1B is the high-tech visa. H-4 is the spouses of certain other visa holders, including H-1B and H-2B. H-2B is a bit of a low-skill catchall. The only ones that'll come in under the H-2B will be those in the food service industry, which is less than 15 percent of all H-2Bs. And then, almost all working J visas will be excluded, and then all L visas. Ls are intra-company transfers from, say, company X, their facility in Germany to their facility in Michigan.

And the sum total of what these actions will do in terms of freeing up jobs over the course of the rest of 2020 is about 525,000 jobs. Quite a significant number, where President Trump is focusing on getting Americans back to work as quickly as possible after we've suffered this hit to our economy based on the coronavirus and the harm it's done.

I would also note that, today, based on instructions the President gave a long time ago, a regulation he's issuing to eliminate certain incentives to file for asylum claims for the purpose of getting a work permit. And while maintaining the integrity of the asylum system, the President has got us closing a bunch of those loopholes, which, in addition to cleaning up the asylum system, will also free up more jobs for Americans as well. That is done by regulation, however, not by the executive order.

So those -- the H-1Bs, the pause on visas, is the temporary action in the President's action today in the executive order. The more permanent actions that he is directing us to take include reforming the H-1B system to move in the direction of a more merit-based system. This is -- you hear the President talk all the time about getting the best and the brightest, and you also hear him talking about protecting American jobs. So these reforms will do both.

Under these reforms, the H-1B program is going to prioritize those workers who are offered the highest wages as the best proxy for what they bring to the table to add to the American economy. There is a cap on H-1B visas of 85,000 every year. Last year, 225,000 applications were received for those 85,000 visas. Up until this year, those visas have then been distributed by random lottery. So those 225,000 people, 85,000 pick of a lucky number, if you will.

The President has instructed us to get rid of the lottery and replace it with ranking the salaries -- so the top 85 [thousand] salary offers among the 225,000 or so applicants for those visas will get those visas. This will drive both the wage

level and the skill level of the H-1B applicants up. It will eliminate competition with Americans, it will reduce American competition in these industries at the entry level, and will do more to get the best and the brightest.

The President has also instructed us to close the loopholes that have allowed employers to, essentially, domestically outsource their labor by replacing American workers with low-cost foreign labor. And the way this loophole worked was the analysis of whether an incoming immigrant worker would displace an American worker was done at the company hiring the immigrant.

Well, if the company hires a bunch of immigrants and then subcontracts them out to another company -- say, Disney or AT&T, to just pick two historical examples -- then they end up displacing American workers at Disney and AT&T, both of which infamously had their American citizen employees training their H-1B replacements as their last act.

The President has instructed us to end that practice and will do so by regulation as soon as we possibly can.

The Department of Labor has also been instructed by the President to change the prevailing wage calculation and clean it up, with respect to H-1B wages. It has really -- it's an old, crazy system from the Clinton era, with four tiers, and the prevailing wage calculation is done in a variety of bases. And the Department of Labor is going to fix all that, with the idea of setting the prevailing wage floor at the 50th percentile so these people will be in the upper end of earnings -- again, so we're getting the best and the brightest, we're adding the most value to the economy, and we're maximizing the opportunity for Americans to get jobs.

The Secretary of Labor is also going to commence using his statutory authority to investigate abuses in the H1B states. While this statutory authority has existed, I do not believe that any Secretary of Labor, prior to Secretary Scalia, has ever sought to use it. And the President has directed him to do that. He's enthusiastic to commence that.

Some other permanent changes that are being ordered by the President are to start using -- getting biometrics prior to entry and doing security checks prior to matriculation into the U.S., travel to the United States, as opposed to the rather -- it is not a uniform set of checks before people arrive, currently.

The President has also directed HHS and CDC to identify what will be needed for those coming into the country to avoid bringing COVID-19 with them. This effort will undoubtedly be coupled with the analysis that is already ongoing about how travel can be conducted on a forward-going basis, across our land borders and via air and sea. So that will be a change you'll see coming from HHS and CDC.

And finally, the last item on this long list from the President is that he has directed DHS to eliminate work permits for those who have final orders of removal or who commit crimes in the United States or who are deportable here in the United States. That category alone is in excess of 50,000 jobs a year that will be opened up for Americans.

Taken together, the green card pause, along with the pausing of the H-1Bs, the H-4s, the H-2Bs, Js, and Ls, it will open up about 525,000 jobs for Americans, which is, the President's priority is getting Americans back to work.

So, with that, I am happy to answer questions. I would note -- I guess I'll make one last comment: We're hopeful that this is going to see broad bipartisan support. I mean, these are steps that people on the other side of the aisle have been supportive of, not just Republicans, including then-Senator Barack Obama, when he noted how migration can depress wages. That's particularly true in 13.5 percent unemployment versus, say, 3.5 percent that we had in a Trump economy back in January and February.

When he became President, one of his economic advisors, Paul Krugman, noted how wages for American citizens compete with immigrants. That's true. And high unemployment is -- it becomes less and less so as the unemployment rate gets closer and closer to zero.

So, in the current circumstances, this substantially improves circumstance to open up 525,000 jobs that might otherwise be taken by foreign workers -- legal, but foreign workers.

So, with that, I'm happy to open it up for questions.

MR. GIDLEY: Sure. I'd just like to remind the group to -- thanks. The information is on background and attributable to a senior administration official. All the content is embargoed until the end of the call. So now let's take some questions.

Q Good afternoon. This is Andrew Feinberg with Breakfast Media. Thanks for doing the call. Two questions. First, you said that, in total, these changes could result in 525,000 jobs being saved for Americans. There are 36 million -- there have

been 36 million unemployment claims filed over the last few months. Is this really a jobs program, or this is just being able to implement a longstanding, just, (inaudible) program on account of the COVID-19 pandemic?

And also, the exceptions for food service workers in the H-2B program that you're leaving in place, that includes, on your website, retail establishments, including restaurants. Would restaurants include, for instance, private clubs, golf clubs that serve food, hotels that serve food?

SENIOR ADMINISTRATION OFFICIAL: So let me -- let me cut you off. Let's not -- that is not -- we're not talking about retail restaurants and waiters; we're talking about seafood and food processing. We're talking about getting food from where I starts as a source to being able to eat, not the hospitality industry, not restaurants, not waiters -- none of the things you identified or named.

Q Yes, hello, this is Carrie Sheffield with JusttheNews.com. I'm wondering -- we did an interview with a civil rights leader who is African American, and she was looking in particular at the effects of illegal immigration on African Americans workers, of U.S. citizens. And I'm wondering, has your team done any analysis to say which American citizens might be benefitting from this program in terms of the (inaudible) to these programs and these immigration restrictions?

SENIOR ADMINISTRATION OFFICIAL: Sure. So if you read the President's April 22nd proclamation, you saw some language you will see repeated in today's proclamation, and that is an explicit concern for the people at the margin of the economy -- what the President calls the people who are first out and last in

-- to the economic benefits. And those are some of the people he's most concerned about, and those are some of the folks, in some of these visa categories, who will see some of the competition ease economically for certain job positions.

And so that is a major concern. And there's -- you know, the President is very proud of the fact that he created an economy that, for African Americans and Hispanics, reached the lowest unemployment level ever recorded. And I would note -- I'm over 50 years old, and we have spent more time with under 8 percent African American ~~employment~~ [unemployment] under President Trump alone than the entire rest of my life combined.

And he is determined to get back to that sort of economic circumstance so every American -- African American, Hispanic, white, Asian, whatever -- purple, green, whatever you are -- has the benefits that we were reaching towards with sub-4 percent unemployment. And that is a big part of why the President is trying to clear out this workspace for Americans.

And the first half of the last question was comparing the total number of unemployment claims to what we can do here, and the reality is the President is doing what he can do. This is a -- you know, the job creation measures, in the short term, are just that. They are short term. The long-term measures will have much longer-term effect, but they're not in the 525,000 job count. That comes later from the implementation of the long-term provisions and reforms that the President has ordered us to undertake.

Thank you for your question.

Q Hi, guys. This is Weijia Jiang with CBS News. Thanks

for doing this call. I'm wondering, in the 60 days that the order has already been in place, can you tell us how many American jobs have been protected and in what sectors, specifically?

SENIOR ADMINISTRATION OFFICIAL: So for the 60 days, that was green card recipients who would've come in, and rough estimate would be about 50,000 jobs in that time period. Cannot tell you the sectors. Just don't have the kind of data drilled down on that. I'd invite [senior administration official] if he knows different.

But there is -- when people come in with a green card, they have open market work opportunities. They can go to any job, anywhere -- whereas, say, H-2Bs and Js and H-1Bs, these are market restricted; they have particular types of jobs they can work in.

So for the last two months, we just don't have that kind of fidelity on where incoming green cards end up working in any particular period.

SENIOR ADMINISTRATION OFFICIAL: Yeah, that's correct. This is [senior administration official].

Just to add to that: When the State Department ultimately issues the immigrant visa before the applicant can travel into the United States, by and large, they're not -- I mean, they're checking everything on the application to make sure that it's valid, but they're not checking -- there's no need to, with a green card, to check what industry they'll be working in when they get here. Or, frankly, even if they accepted the employment-based one, for a family-based petition, we wouldn't

even know if they had a job lined up before they came in.

So we wouldn't be able to say that with any, sort of -- as [senior administration official] said, with any, sort of, fidelity.

Q Hi, Neil Munro at Breitbart. This is all very interesting. One of the things that's clear is that the major companies import these H-1Bs through the pipelines because they wish to replace Americans. And that, of course, means -- we have black, white, brown, losing -- Asians -- losing jobs to companies importing Indians and Chinese.

Are you guys going to look at this as a question of discrimination as, sort of, management policies that deliberately discriminate against Americans? And also, are we going to get that report about the -- estimating the total number of H-1Bs to be 600,000?

SENIOR ADMINISTRATION OFFICIAL: So, with respect to the discrimination question, the only thing in the executive order that gets to that is the President's directive to the Secretary of Labor to commence using statutory investigation authority. Of course, DOJ has authority, along the lines of the discrimination you described, but the new authority being brought to bear here is that of the Secretary of Labor.

And nothing in this executive order addresses any particular reports going out, and I don't know exactly where any of them are in the pipeline at the moment. But this is directed at action by the President, and really, we've hit all of the topics. The one where you'd see more enforcement would come from the Secretary of Labor. That would be over on top of what already exists. Thank

you.

MR. GIDLEY: I think we have time for one more question.

Q Hi, this Priscilla Alvarez from CNN. Thanks for the call. Could you lay out the exceptions to the visa categories that you detailed? And the work permits that you described and any new restrictions on that, will that be through regulation, and does it hit TPS and refugees as well?

SENIOR ADMINISTRATION OFFICIAL: Thanks, Priscilla. So it does not hit refugees. It does not -- TPS are people who are already here, so this addresses people who are not yet here. They would be applying for a visa to come in, and they would be barred travel. So for -- the two categories you mentioned are not covered.

The exceptions -- there are none under H-1B or H-4. H-2B, I noted -- the H-2B exception is those dealing in closest to agriculture or aquaculture, seafood, but not the kind of restaurant, hotel, club, et cetera, stuff you heard referenced earlier. That's about 10 to 15 percent of all H-2Bs are in either seafood or food processing. This is, you know, packaging up food to be distributed or participating in the distribution. There are no exemptions for any of the L visas.

The J visas focus, first and foremost, on work categories. So there are about 15 subcategories of Js. Most of them do not work. And let me see if I can pull this up real quick for you. But I know that there is interest in the au pairs. That's the question I get the most. The au pairs are excluded and as are pretty much all working Js, with the exception -- let me see if there are any exceptions. I believe

professors. Professors, scholars, that sort of thing -- those are the only working exception to the J exclusion. And that is the universe.

I would note that the exemptions from the April 22nd proclamation still stand, but the medical exemption has been narrowed dramatically to only those coming into work on COVID care or COVID research. And if you look back at the April proclamation, that was any medical worker coming in. And what we saw with the April data after the proclamation -- so we didn't see it until May -- was significant furloughs and layoffs across the board in the medical industries. So aside from fighting COVID, the President decided to narrow that down substantially for that exemption so that we can protect American workers in those industries as well.

Thank you for your questions, everyone. I appreciate you taking some time with us today. And, Hogan, thanks for having us.

MR. GIDLEY: Sure. Thanks so much, guys. Just remember, the call is on background, attributable to senior administration officials. And the embargo is now lifted. Thanks.

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3:29 P.M. EDT

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