



For Immediate Release

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AILA and Board of Governors' Members File Pro Bono Suit Challenging Department of Labor's Midnight Rule Changing Prevailing Wage Determinations

WASHINGTON D.C. — Today, 17 individual and organizational plaintiffs, including institutions of higher education, nonprofit organizations, and businesses, represented by the American Immigration Lawyers Association (AILA), Jeff Joseph of Joseph and Hall PC, Charles Kuck of Kuck Baxter Immigration LLC, and Greg Siskind of Siskind Susser PC, sued to enjoin, in its entirety, the Department of Labor Interim Final Rule, "[Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States](#)." The poorly-drafted, improperly-issued rule did not comply with the procedural rules for rule-making and is substantively arbitrary, incorrect, and irrational.

Jesse Bless, AILA's Director of Federal Litigation stated, "Standing alone, the failure of the government to provide the proper notice and opportunity for comment before making such dramatic changes, requires an immediate relief for plaintiffs. But the arguments against this rule stretch far beyond its unlawful implementation. The increase to the prevailing wages will manifestly not benefit U.S. economic growth or any workers; study after study has shown that H-1B visa holders create American jobs. The regulation has caused immediate and unnecessary harm in every corner of our economy, including academic institutions, nonprofits, hospitals, start-ups, and small businesses. Frankly, the last thing we need during a pandemic and economic turmoil is a rule based on a false and incorrect understanding of the market and American workforce. This will impede our economic recovery, not enhance it."

Jeff Joseph, Senior Partner of Joseph and Hall, PC, stated, "Dealing with the Department of Labor often feels like *The Hunger Games*. Everyone is required to play the game, but no one knows the rules and the rules are constantly changing. This is not a game. The fact that the rule was made effective without thinking about the destructive impact it would have on industries and the economy illustrates how out of touch this administration is regarding the symbiotic relationship between legal immigration and the economy."

Charles Kuck, managing partner of Kuck Baxter Immigration LLC said, "The days when the federal government blatantly ignores the law in its rule-making are over. U.S. universities, employers, and healthcare systems can no longer stand by and watch while the U.S. immigration system is dismantled by a nativist administration and in contravention of federal law."

Greg Siskind, founding partner of Siskind Susser PC noted, "Aside from the blatantly unlawful way the Department of Labor dropped this rule on the economy, its basic premise is also wholly incorrect. The workers impacted are in occupations with extraordinarily low unemployment. And as we show in the complaint, these outstanding immigrants are doing critical work benefiting everyday Americans, whether it is providing critical research to cure disease, making our country globally competitive, providing medical and dental care to rural Americans, or caring for our country's senior citizens."