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Fact Sheet #4:

CHILE AND SINGAPORE AGREEMENTS CREATE NEW GUEST WORKER VISAS, USURPING CONGRESSIONAL AUTHORITY OVER IMMIGRATION POLICY

USTR included rules in the Chile and Singapore FTAs for the temporary entry of professional workers without any authority or directions to do so from Congress. **The Trade Act of 2002 does not include even one word on temporary entry.** The Singapore and Chile FTAs create entire new visa categories for the temporary entry of professionals on top of our existing H-1B program.

The new Singapore and Chile professional visas will give U.S. employers substantial new freedom to employ and control temporary guest workers with little oversight from the Department of Labor and with few real guarantees for the rights of workers. The Singapore and Chile visa provisions differ from our existing H-1B program in a number of ways:

- **The agreements allow entry for any job that requires a bachelor's degree, even if we have no domestic labor shortage in that job category.** Even some jobs that do not always require a bachelor's degree – management consultants, disaster relief claims adjusters, physical therapists, and agricultural managers – are included. This opens up the new visa programs to abuse by employers facing no domestic labor shortage who only seek an easy source of low-wage labor.

- The agreements **may allow workers who do not have direct employment in the U.S., but are only contractors, to use the new visa category.** Under these rules, professionals could enter to perform various contracts or work for temp agencies, and their ultimate employers would not have to take any responsibility for guaranteeing that the domestic labor market is not being undermined.

- The agreements include caps on the number of workers entering each year (1,400 for Chile and 5,400 for Singapore) that are separate from, and in addition to, the global H-1B cap. **Even if the global H-1B cap is filled, workers can still come in under the Singapore and Chile caps.**

- **The visas are for one year and are renewable without any limits.** Under the H-1B program, workers are granted a three-year visa that can be renewed only once.

- The agreements require that the **fees charged to visa applicants do not unduly constrain trade**. We currently charge $1,000 for H-1B visas and use the money to train American workers. It is unclear whether we will be able to continue this practice under the Chile and Singapore FTAs.

- Finally, the Labor Condition Application (LCA) is one of the only safeguards we have in our H-1B system for ensuring that employers do not abuse temporary workers to undermine the domestic labor market. **The LCA allowed under the Chile and Singapore agreements appears to be even weaker than the inadequate H-1B requirements.** The agreements could require temporary guest workers – who have no knowledge of domestic labor conditions or their employer's compliance with them – to submit the LCA rather than employers, especially if contract workers with no direct employment relationship are allowed to take advantage of the new visas.

New immigration rules do not belong in fast-tracked trade agreements. Congress should reject the Chile and Singapore FTAs on these grounds and send a strong signal to USTR not to include such provisions in future trade agreements.