

Specialty Occupation Worker Visas

As of late 2024, the dynamics of the airline industry have changed. Pilot hiring has normalized throughout the year, and in some cases, demand has reversed with isolated instances of airline pilot furloughs. The post-pandemic surge in demand for air travel did create a pilot shortfall, but that very temporary shortfall has reversed back to a surplus. Within this industry, pilot demand has always been cyclical in nature. However, the “pilot shortfall” narrative was heavily politicized and exploited this election year during the lead-up to the passage of a 5-year reauthorization of the Federal Aviation Administration (FAA). Two of the very contentious provisions of the FAA Bill related directly to pilot manning in U.S. airlines, as some groups used the “pilot shortfall” to attempt to raise the mandatory pilot retirement age, and others used it to try to reduce the standards to receive an Airline Transport Pilot Certificate.

This false narrative of a current pilot shortfall is still getting airtime, and unfortunately has the potential to be exploited through the United States visa programs – particularly E-3, EB-2, and H-1B “Specialty Occupation” visas – to avoid market pressures and artificially maintain pilot pay rates and work rules insufficient to attract qualified U.S. pilots. Under the guise of “Specialty Occupation” and “National Interest Waivers” (NIW), the U.S. Citizenship and Immigration Services (USCIS) could approve visas for foreign pilot employment opportunities within the United States.

To be clear, there are multiple work-visa programs within the USCIS. Some are permanent work-visa programs, and some have stipulated time limits imposed onto applicants with the ability to extend those limits. The concern is some airlines have in the past, and will continue in the future, to use either or both “Specialty Occupation” and “National Interest Waiver” visas to take jobs from U.S. citizens and permanent residents.

This is a troubling development that threatens U.S. jobs, the stability and safety culture of air transportation, 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 we still see some airlines pointing to a fictional pilot shortage to justify increasing the labor pool with lesser-paid international workers on E-3, EB-2, and H-1B visas to reduce their costs.

The other concern to the misuse of U.S. visa programs would be the impact to safety. “Just Culture” is an integral and critical safety component within U.S. airline operations. A “Just Culture” is defined as one where front-line operators are not punished for actions, omissions, or decisions they make 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 a sponsoring employer could cease such sponsorship at any moment and without cause. This weakens the “Just Culture” because pilots working under these visas may be less likely to willingly raise safety concerns for fear of reprisal or loss of employment by their sponsoring airline.

Current as of October 24, 2024



Congress must investigate whether the USCIS is applying “Specialty Occupation” and “National Interest Waiver” visa approvals correctly with respect to airline pilots, and if not, prevent U.S. air carriers from misusing these visa programs. Ultimately the misuse of these visas undercut U.S. airline pilot jobs and potentially weakens the safety of our airlines.

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

Current as of October 24, 2024

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>)