



National Air Carrier Association
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July 20, 2022

BY ELECTRONIC MAIL

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, N.W.
Washington, D.C. 20395

Dear Secretary Mayorkas:

On behalf of the National Air Carrier Association (NACA)¹, I am writing in response to the letter you received on June 23, 2022 from Captain Joe DePete, President of the Air Line Pilots Association, International, regarding the alleged misuse of the “specialty occupation” designation under the E-3 visa program by one of our member carriers, Spirit Airlines, to recruit for pilot positions from Australia.

The use of E-3 and H-1B “specialty occupation” visas to recruit pilots to Spirit and many other U.S. passenger and cargo airlines is critical in light of the inadequate supply of qualified U.S. pilots. Further, we vehemently disagree with ALPA’s baseless accusation that it is improper to use the E-3 and H-1B visas for this purpose. The law is clear that such use is permitted. To meet current passenger and cargo demand, the industry collectively needs to hire at least 7,500 pilots this year, yet the current number of new pilots produced is less than 5,000. As a result, many passenger airlines have been forced to reduce and eliminate service – especially to less profitable small and rural communities – due to a lack of U.S. pilots. The inadequate supply of U.S. pilots is also having an adverse impact on our cargo airlines, whose operations are critically important to meeting the diverse needs of commerce, communities and consumers throughout the country and world, including the delivery of goods and equipment wherever urgently required during the COVID-19 pandemic, the Russian invasion of Ukraine, and through the ongoing supply chain challenges.

With demand for domestic air travel exceeding pre-pandemic levels, reduced service levels and record-high jet fuel prices are causing air fares to rise. This rise in air fares is contributing to inflation that is undermining U.S. economic growth and making air travel less affordable to the working families which our six ultra-low cost carriers – Allegiant Air, Avelo Air, Breeze Airways, Frontier Airlines, Spirit Airlines and Sun Country Airlines – primarily serve. Unfortunately, the long-term outlook is even worse. In the next five years, the industry will lose 11,000 active pilots due to the current regulatory mandate that pilots retire at age 65. By 2030,

¹ NACA member airlines include Air Transport International, Allegiant Air, AmeriJet, Atlas Air, Avelo Air, Breeze Airways, Everts Air Cargo, Frontier Airlines, GlobalX, iAero Airways, Kalitta Air, Lynden Air Cargo, Miami Air International, National Airlines, Norther Air Cargo, Omni Air International, Spirit Airlines, Sun Country Airlines, USA Jet Airlines, Western Global Airlines, and World Atlantic Airlines.



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the total shortfall of pilots will total over 28,000, costing the U.S. airline industry 174,000 U.S. jobs, 1,781 grounded aircraft, and \$48.7 billion in lost revenue.²

We are asking Congress and the Biden Administration to pursue legislative and regulatory policies in the next FAA reauthorization bill to help increase the supply of U.S. pilots. In the meantime, use of E-3 and H-1B “specialty occupation” visas to recruit pilots from other countries is a critical tool to help mitigate the existing – and worsening – shortage of U.S. pilots. If you and/or your staff would be interested in a presentation on the nation’s pilot shortage, please contact my colleague, Chris Brown, at 202-251-3435.

Thank you for your consideration.

Very Respectfully,

A handwritten signature in blue ink, appearing to read "George Novak", with a stylized flourish at the end.

George Novak
President and CEO
National Air Carrier Association

² See *Pilot Scarcity: Aviation’s Weakness* at www.wefly4you.com.



**U.S. Citizenship
and Immigration
Services**

August 15, 2022

George Novak
President and CEO
National Air Carrier Association
1735 North Lynn Street, Suite 105
Arlington, VA 22209

Dear Mr. Novak:

Thank you for your July 20, 2022 letter to the Department of Homeland Security. Secretary Mayorkas asked that I respond on his behalf.

As you note, the use of E-3 and H-1B “specialty occupation” visas for pilots is not prohibited by law. An employer may be able to establish that a pilot position qualifies as a specialty occupation if, among other possibilities, the employer normally requires a bachelor’s or higher degree in a specific specialty, or its equivalent, for its pilot positions. In addition, with limited exceptions for certain H-1B employers (namely, willful violators of labor condition application obligations and H-1B dependent employers seeking to employ a non-exempt H-1B worker), there is no requirement that employers of H-1B or E-3 workers show that there is a shortage of U.S. workers in the occupation. However, employers are required to comply with several requirements regarding the wages and working conditions for both H-1B and E-3 workers in accordance with attestations made in the requisite labor condition application.

Thank you again for your letter and interest in this important issue. Should you have additional questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ur M. Jaddou" followed by a long horizontal flourish.

Ur M. Jaddou
Director