Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

September 20, 2012

The Honorable Charles E. Grassley
United States Senate
Washington, DC 20510

Dear Senator Grassley:

Thank you for your letter to the Department of State and the Department of Homeland Security (DHS) expressing your concern about U.S. employers using B-1 nonimmigrant business visitor visas to circumvent the requirements of the H-1B visa program and other temporary worker programs. B-1 nonimmigrant business visitors are not authorized to be employed in the United States, except in extremely limited circumstances.

In coordination with the Department of State, DHS remains actively engaged in the development of guidance clarifying the scope of employment permissible in the B-1 business visitor classification. The issue is exceptionally complex, requiring careful review of the relevant law and administrative precedent, and may require rulemaking. DHS remains firmly committed to working with the Department of State to ensure the integrity of all U.S. visa programs and procedures, including the B-1 visa program.

I have enclosed a separate document with responses to your questions. The Department of State separately addressed your questions in its response. We appreciate your concerns and welcome your feedback on this issue. Should you need additional assistance, please do not hesitate to contact me at (202) 447-5890.

Respectfully,

Nelson Peacock
Assistant Secretary for Legislative Affairs

Enclosures

cc: The Honorable David S. Adams, Assistant Secretary for Legislative Affairs
Department of State

Department of Homeland Security Responses
to Questions Outlined in Senator Grassley's April 30, 2012 letter
to the Department of State and Department of Homeland Security

1. **How many B-1 visas has Boeing petitioned for in the last five years? How many have been approved and how many have been denied?**

Nonimmigrant visitors for business may seek admission to the United States after being granted a B-1 visa by the Department of State or, if eligible, pursuant to the Visa Waiver Program or otherwise authorized visa-free travel. No underlying petition is required. DHS defers to the Department of State regarding approvals and denials of B-1 visa applications.

2. **How many B-1 visa holders, other than those encountered by CBP on October 14 [2011 at the Seattle-Tacoma International Airport], have been turned away at a [U.S.] port of entry in the last five years.**

While DHS tracks the number of individuals refused entry in general, it does not track inadmissibility determinations based on the visa classification sought by the inadmissible alien. Overall, however, U.S. Customs and Border Protection (CBP) determines more than 200,000 nonimmigrant applicants inadmissible every year. Over the past five years, CBP found approximately one million applicants inadmissible to the United States.

3. **What other trips had each of the 18 workers (from October 14, 2011) made to the United States? Under what visa classification and for how long were their previous stays in the United States?**

Attached please find a chart detailing the number of entries to and from the United States, the length of each stay, and the relevant visa classification, for these individuals until March 2012. Please note that all personally identifiable information has been removed for privacy reasons.

4. **How often, if at all, does the Department of Homeland Security conduct site visits of companies that regularly receive B-1 visitors? Has or will the Department of Homeland Security conduct an on-site review or I-9 audit of Boeing? If not, why not?**

Effective worksite enforcement is necessary to ensure the integrity of our immigration system and to promote compliance in the business community. U.S. Immigration and Customs Enforcement (ICE) regularly conducts worksite investigations based upon leads and intelligence information it receives from various sources, including federal, state, or local law enforcement agencies; non-law enforcement agencies; non-governmental organizations; the business community; and the public. As a matter of ICE policy, the agency can neither confirm nor deny the existence of an ongoing investigation. Generally, ICE may investigate companies across a wide spectrum of industries, including those that may employ B-1 business visitors outside the scope of the law and regulations.

5. **In light of the recent reports about certain companies using B-1 visas to circumvent other employment visa programs, are CBP officers receiving updated guidance on how to handle B-1 visa entries? Are [State Department] consular officers receiving guidance or training to detect fraud by B-1 visa applicants?**

CBP officers receive intensive training on the admissibility requirements during their Academy Basic Training, as well as during the mandatory on-the-job training program. Additionally, CBP officers are provided periodic employee training on the procedures, terms of admission, and permissible activities for B-1 temporary visitors for business. DHS defers to the Department of State regarding the training of consular officers.

Prior Admissions by Boeing Visitors Denied Admission
on October 14, 2011 at Seattle-Tacoma International Airport

Name	Document	Crossing Date	Location	Airport	Inbound/Outbound/Transit		Class of Admission
Person #1							
	715127791	20111015	AMS	Amsterdam	O		**Departed**
	715127791	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	630271604	20110317	SVO	Moscow	O		
	630271604	20110209	L301	Sea/Tac	I		**B1**
	630271604	20110206	L301	Sea/Tac	I		**B1**
	630271604	20110114	A471	JFK	I		**B1**
		20110112	AB52	JFK	I		**B1**
	630271604	20101004	SVO	Moscow	O		
	630271604	20101001	SVO	Moscow	O		
	630271604	20100909	A475	JFK	I		**B2**
	630271604	20100826	SVO	Moscow	O		
	630271604	20100813	L301	Blaine, Wa	I	land border crossing	**B2**
	630271604	20100811	L301	Blaine, Wa	I	land border crossing	**B2**
	630271604	20100607	A475	JFK	I		**B2**
	630271604	20091221	SVO	Moscow	O		
	630271604	20091220	L301	Blaine, Wa	I	land border crossing	**B1**
	630271604	20091206	L301	Blaine, Wa	I	land border crossing	**B1**
	630271604	20091013	A475	JFK	I		**B1**
	630271604	20090729	SVO	Moscow	O		
	630271604	20090512	A475	JFK	I		**B1**
	630271604	20081223	SVO	Moscow	O		
	630271604	20081006	A475	JFK	T		
	630271604	20080624	SVO	Moscow	O		
	630271604	20080326	A011	Bangor	T		
	630271604	20071004	SVO	Moscow	O		
	630271604	20070809	A171	Atlanta	T		
	630271604	20070621	SVO	Moscow	O		
	630271604	20070621	SVO	Moscow	T		
Person #2							
	631889407	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	631889407	20111014	AMS	Amsterdam	O		**Departed**
	631889407	20110430	AMS	Amsterdam	O		
	631889407	20110127	A475	JFK	I		**B1**
	431889407	20101216	SVO	Moscow	O		

631889407	20101022	A475	JFK	I	**B1**
631889407	20100422	SVO	Moscow	O	
631889407	20100219	A475	JFK	I	**B1**
631889407	20091217	SVO	Moscow	O	
631889407	20091030	A475	JFK	I	**B2**
631889407	20090619	SVO	Moscow	O	
631889407	20090417	A475	JFK	I	**B2**
631889407	20080911	SVO	Moscow	O	
631889407	20080620	A475	JFK	I	**B1**
631889407	20080109	A171	Atlanta	I	**B1**
631889407	20071129	SVO	Moscow	O	
631889407	20070907	A171	Atlanta	I	**B1**

Person #3

704054932	20111015	AMS	Amsterdam	O	**Departed**
704054932	20111014	A301	Sea/Tac	I	**Withdrawn/B1**
704054932	20110414	SVO	Moscow	O	
704054932	20110204	A475	JFK	I	**B1**
704054932	20100930	SVO	Moscow	O	
704054932	20100709	A171	Atlanta	I	**B1**
621168380	20090219	SVO	Moscow	O	
621168380	20081204	A171	Atlanta	I	**B1**
621168380	20080925	SVO	Moscow	O	
621168380	20080630	A171	Atlanta	I	**B1**

Person #4

635770322	20111014	A301	Sea/Tac	I	**Withdrawn/B1**
635770322	20111014	AMS	Amsterdam	O	**Departed**
635770322	20110609	AMS	Amsterdam	O	
635770322	20110325	A475	JFK	I	**B1**
635770322	20100506	SVO	Moscow	O	
635770322	20100312	A475	JFK	I	**B1**
635770322	20091222	SVO	Moscow	O	
635770322	20091106	A475	JFK	I	**B2**
635770322	20090610	SVO	Moscow	O	
635770322	20090410	A475	JFK	I	**B2**
635770322	20081113	SVO	Moscow	O	
635770322	20081003	A475	JFK	T	
635770322	20080911	SVO	Moscow	O	
635770322	20080718	A475	JFK	I	**B2**

Person #5

716059080	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
716059080	20111014	AMS	Amsterdam	O		**Departed**
630034557	20080529	SVO	Moscow	O		
630034557	20080306	A171	Atlanta	I		**B1**
630034557	20071220	SVO	Moscow	O		
630034557	20070927	A171	Atlanta	T		
60NO1456832	20060415	A271	LAX	I		**B1**
60N1456832	20050605	YVR	Vancouver	O		
601456832	20050517	A301	Sea/Tac	I		**B1**
601456832	20050118	A301	Sea/Tac	I		**B1**
601456832	20041223	SVO	Moscow	O		
601456832	20040928	A301	Sea/Tac	I		**B1**
601456832	20040803	SVO	Moscow	O		
601456832	20040513	A301	Sea/Tac	I		**B1**
60N1456832	20031220	SVO	Moscow	O		
601456832	20030926	A281	San Francisco	I		**B1**
601456832	20020823	A301	Sea/Tac	I		**B1**
601456832	20020823	A301	Sea/Tac	I		**B1**
601456832	20020823	A281	San Francisco	I		**B1**

Person #6

700306114	20111015	AMS	Amsterdam	O		**Departed**
700306114	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
700306114	20110317	AMS	Amsterdam	O		
700306114	20110202	A471	JFK	I		**B1**
700306114	20110107	SVO	Moscow	O		
700306114	20101229	L092	Buffalo, NY	I	land border crossing	**B1**
700306114	20101112	A475	JFK	I		**B1**
700306114	20100513	SVO	Moscow	O		
700306114	20100312	A475	JFK	I		**B1**
700306114	20091217	SVO	Moscow	O		
700306114	20091030	A475	JFK	I		**B1**
700306114	20081113	SVO	Moscow	O		
700306114	20080919	A475	JFK	I		**B1**
605362738	20071122	SVO	Moscow	O		
605362738	20070921	A171	Atlanta	I		**B1**
605362738	20070518	SVO	Moscow	O		
605362738	20070223	A041	Boston	I		**B2**
605362738	20060916	SVO	Moscow	O		

	605362738	20060624	A171	Atlanta	I		**B2**
Person #7							
	EE971466	20111015	AMS	Amsterdam	O		**Departed**
	EE971466	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	EE971466	20110804	AMS	Amsterdam	O		
	EE971466	20110513	A475	JFK	I		**B1**
Person #8							
	635751623	20111015	AMS	Amsterdam	O		**Departed**
	635751623	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	635751623	20110310	SVO	Moscow	O		
	635751623	20110121	A475	JFK	I		**B1**
	635751623	20100722	SVO	Moscow	O		
	635751623	20100618	A171	Atlanta	I		**B1**
	635751623	20081225	SVO	Moscow	O		
	635751623	20081107	A475	JFK	I		**B1**
	604983399	20061006	AMS	Amsterdam	O		
	604983399	20061006	BCN	Barcelona	O		
	604983399	20060825	A171	Atlanta	I		**B1**
Person #9							
	716135923	20111015	AMS	Amsterdam	O		**Departed**
	716135923	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	626702446	20110721	SVO	Moscow	O		
	626702446	20110513	A475	JFK	I		**B1**
	626702446	20110107	SVO	Moscow	O		
	626702446	20101229	L092	Buffalo, NY	I	Land border crossing	**B1**
	626702446	20101212	L301	Sea/Tac	I		**B1**
	626702446	20101112	A475	JFK	I		**B1**
	626702446	20100812	SVO	Moscow	O		
	626702446	20100604	A475	JFK	I		**B1**
	626702446	20091217	SVO	Moscow	O		
	626702446	20091009	A475	JFK	I		**B1**
	626702446	20090701	SVO	Moscow	O		
	626702446	20090410	A475	JFK	I		**B1**
	626702446	20080918	SVO	Moscow	O		
	626702446	20080711	A171	Atlanta	I		**B1**
	626702446	20070816	SVO	Moscow	O		
	626702446	20070622	A171	Atlanta	I		**B1**
	2016393	20040916	VIE	Vienna	O		

	602016393	20040630 A471	JFK	I	**J-1**
	602016393	20020630 A471	JFK	I	**J-1**
	602016393	20020630 A477	JFK	I	**J-1**
Person #10					
	713437269	20111015 AMS	Amsterdam	O	**Departed**
	713437269	20111014 A301	Sea/Tac	I	**Withdrawn/B1**
Person #11					
	703387010	20111016 AMS	Amsterdam	O	**Departed**
	703387010	20111015 AMS	Amsterdam	O	**rebooked later flight**
	703387010	20111014 A301	Sea/Tac	I	**Withdrawn/B1**
	703387010	20110505 AMS	Amsterdam	O	
	703387010	20110218 A475	JFK	I	**B1**
	703387010	20100504 A475	JFK	I	**B1**
	703387010	20091217 SVO	Moscow	O	
	703387010	20091016 A475	JFK	I	**B1**
Person #12					
	713271832	20111014 A301	Sea/Tac	I	**Withdrawn/B1**
	713271832	20111014 AMS	Amsterdam	O	**Departed**
		20111007 AB52	JFK	I	**B1**
	627358124	20101222 SVO	Moscow	O	
	627358124	20101008 A475	JFK	I	**B1**
	627358124	20100513 SVO	Moscow	O	
	627358124	20100215 A475	JFK	I	**B1**
	627358124	20090923 SVO	Moscow	O	
	627358124	20090624 A475	JFK	I	**B1**
	627358124	20080717 SVO	Moscow	O	
	627358124	20080421 A011	Bangor	I	**B1**
	627358124	20080403 SVO	Moscow	O	
	627358124	20080114 A171	Atlanta	I	**B1**
	627358124	20071219 SVO	Moscow	O	
	627358124	20070831 A171	Atlanta	I	**B1**
	627358124	20070816 SVO	Moscow	O	
	627358124	20070525 A171	Atlanta	I	**B1**
	627358124	20070406 SVO	Moscow	O	
	627358124	20070126 A041	Boston	I	**B1**
	627358124	20061221 SVO	Moscow	O	
	627358124	20061020 A041	Boston	I	**B1**

	627358124	20060929	SVO	Moscow	O		
	627358124	20060708	A171	Atlanta	I		**B1**
Person #13							
	71181183	20111016	AMS	Amsterdam	O		**Departed**
	711813183	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	711813183	20110721	SVO	Moscow	O		
	711813183	20110510	A171	Atlanta	I		**B1**
	711813183	20101222	SVO	Moscow	O		
	711813183	20101108	A475	JFK	I		**B1**
	624705787	20101021	SVO	Moscow	O		
	624705787	20100820	A475	JFK	I		**B1**
Person #14							
	713232985	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	713232985	20110929	SEA	Amsterdam	O		
	713232985	20110708	A301	Sea/Tac	I		**B1**
Person #15							
	717872659	20120518	A475	JFK	I	Admitted B-1 JFK	**B1**
	634557100	20111015	AMS	Amsterdam	O		
	634557100	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	634557100	20091003	DME	Moscow	O		
	634557100	20090630	A542	Dulles D.C.	I		**J-1**
	634557100	20080930	DME	Moscow	O		
	634557100	20080709	A392	Chicago	I		**J-1**
Person #16							
	712512585	20111014	AMS	Amsterdam	O		**Departed**
	712512585	20111013	A301	Sea/Tac	I		**Withdrawn/B1**
	712512585	20110922	SEA	Amsterdam	O		
	712512585	20110630	A301	Sea/Tac	I		**B1**
Person #17							
	638557732	20111015	AMS	Amsterdam	O		**Departed**
	638557732	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
	D38557732	20110609	AMS	Amsterdam	O		
	638557732	20110401	A301	Sea/Tac	I		**B1**
	638557732	20101216	SVO	Moscow	O		
	638557732	20101019	A471	Sea/Tac	I		**B1**
	638557732	20100701	SVO	Moscow	O		

638557732	20100531	L301	Blaine, Wa	I	Land border crossing	**B1**
638557732	20100409	A475	JFK	I		**B1**
638557732	20091217	SVO	Moscow	O		
638557732	20090923	A475	JFK	I		**B1**
60N6371528	20061003	CDG	Paris	O		
606371528	20060626	A471	JFK	I		**J-1**
606371528	20050628	A471	JFK	I		**J-1**

Person #18

715920191	20111014	A301	Sea/Tac	I		**Withdrawn/B1**
628725177	20110609	AMS	Amsterdam	O		
628725177	20110401	A475	JFK	I		**B1**
28725177	20080821	SVO	Moscow	O		
28725177	20080627	A475	JFK	I		**B1**
628725177	20080605	SVO	Moscow	O		
628725177	20080314	A011	Bangor	I		**B1**
628725177	20070712	SVO	Moscow	O		
628725177	20070421	A041	Boston	I		**B1**
628725177	20070317	SVO	Moscow	O		
628725177	20070113	A041	Boston	I		**B1**

B1 in Lieu of H noted in CCD issued 4/25/2012