

United States Senate

September 25, 2025

The Honorable Joseph Edlow
Director, USCIS
5900 Capital Gateway Dr.
Camp Springs, MD 20746

CC: The Honorable Lori Chavez-DeRemer
Secretary, Department of Labor
200 Constitution Ave NW
Washington, D.C. 20210

Dear Director Edlow:

I write to raise serious concerns about a disturbing trend: The use of H-1B visas to staff the Diversity, Equity and Inclusion (DEI) regime.

I have reviewed repeated examples of U.S. employers using the H-1B program to fill DEI positions. These positions are plainly ideological and non-technical in nature, and appear to fall outside the “specialty occupation” intent of the H-1B statute.¹ More to the point, in light of everything we know about DEI, it is alarming that both private companies and public institutions alike appear to be using foreign workers to work in these roles — placing non-Americans in positions where they are tasked with policing the speech and thought of our own citizens.

Documents I reviewed show that a wide range of institutions have filed H-1B Labor Condition Applications (LCAs) for explicit DEI roles—many of which appear to have been certified by the Department of Labor. Carnegie Mellon University, for example, filed a LCA for the position of “Associate Dean of Diversity, Inclusion, Climate & Equity” in 2021.² Yale New Haven Health filed numerous LCAs for “Diversity and Inclusion Specialists” in 2020 and 2021.³ Dartmouth College filed for a position titled “Program Manager, Diversity, Equity & Inclusion” in 2023.⁴

These are just a few of many examples. Employers who appear to have been using the H-1B visa in this manner range from large banks and law firms to universities, healthcare systems, and even municipal park districts. Many of these are taxpayer-funded institutions. Especially for our public institutions such as universities, the thousands of dollars in legal and administrative costs for H-1B’s could go towards cutting edge research or scholarships for U.S. citizens.

The H-1B visa program’s purpose was to address bona fide specialty occupation shortages — chiefly in technical disciplines — not to undercut American workers or import ideological bureaucrats to surveil our workplaces. The fact that the program is being used to hire DEI functionaries from abroad is further evidence of how far it has drifted from its original stated mission. Rather than recruiting genuinely exceptional top-level talent, the H-1B visa is now regularly used to hire and staff middle management bureaucracies. We have seen the same pattern in other low-skill or non-specialty occupations: project managers, communications staff, HR generalists, marketing coordinators, customer service representatives, and so on.

¹ See Immigration and Nationality Act § 214(i), 8 U.S.C. § 1184(i); 8 C.F.R. § 214.2(h)(4)(ii)–(iii) (defining “specialty occupation” and outlining evidentiary criteria for adjudication).

² See [VISAPal](#), [H1B Salary Database](#).

³ FOIA disclosures from the U.S. Department of Labor, pp. 29, 50, 96. See also [H1B Salary Database](#), [VISAPal](#).

⁴ See [VISAPal](#), [H1B Salary Database](#).

Furthermore, the documents I have only capture positions with explicit keywords like “Diversity,” “Equity,” and “Inclusion” in the title. A much larger swathe of DEI or DEI-adjacent roles could exist under more innocuous titles: “HR Administrator”, “Wellness Coordinator”, etc. As you know, an LCA establishes an employer’s intent to fill a position through the H-1B program but does not by itself prove that the H-1B has been approved by USCIS. Many of the records I reviewed were certified, but I still have limited knowledge regarding exactly how many H-1B visas have been issued for these roles.

In keeping with your administration’s strong commitment to America First reforms, I respectfully request the following:

1. Issue agency guidance clarifying that positions relating to DEI or other “social justice” functions (e.g., “diversity coordinator”, “DEI program/project manager”, “DEI specialist”, and comparable HR/ideological functions) do not qualify as H-1B specialty occupations. Adjudicators should be directed to deny new H-1B filings in these categories.
2. Working with the Department of Labor, audit all Form I-129 and H-1B petitions from FY2021–FY2024 where the position title or primary duties reference “diversity,” “equity,” “inclusion,” “DEI,” “social justice,” or analogous functions. The audit should identify petitioning employers, job titles, SOC codes, wage levels, worksites, and approval dates, and evaluate whether each petition met the statutory “specialty occupation” criteria under INA §214(i).
3. Provide my office with a full report and a briefing on approved H-1B petitions in DEI-tagged roles for FY2021–FY2024.
4. Conduct a focused review of approvals over the aforementioned time period to identify DEI-tagged cases and take appropriate corrective action, including reopening, revocation, or requests for evidence, where the record does not satisfy statutory and regulatory standards.

Thank you for your prompt attention to this matter — and for your continued service to President Trump’s America First agenda. My staff is ready to work with USCIS on any technical details necessary to implement these steps promptly and with minimal operational burden.

Sincerely,



Eric S. Schmitt
United States Senator