

CASE STUDY #5

Teachers in Prince George's County, MD Charged Illegal Visa Fees

Between 2005-2011, over 1,000 teachers from the Philippines were recruited by Prince George's County Public Schools (PGCPS) in Maryland. PG County reported that they needed more math, science, and special education teachers to meet the new national testing requirements. The teachers were hired using the H-1B (temporary employment visa), which is regulated by the Department of Labor. In 2011, a group of the Filipino teachers filed a complaint with the Department of Labor against the school district alleging they were charged illegal visa fees¹ and were paid less than their American colleagues.²

H-1B visas have strict requirements with regard to the payment of visa fees, mandating that the H-1B non-immigrant is not allowed to pay any part of the visa fees, directly or indirectly.³ The Department of Labor found that the affected teachers paid over \$1,000 in fees that the school district is required to cover, including filing fees, placement fees, immigration attorney fees, and anti-fraud filing fees. The H-1B regulations also require that non-immigrant employees be paid the same wages as their American counterparts, and by requiring the teachers to pay their own visa fees PGCPS had illegally reduced the wages of the H-1B non-immigrants.⁴

The investigation by the U.S. Department of Labor resulted in PGCPS agreeing to pay \$4.2 million in back wages to over 1,000 internationally recruited teachers. PGCPS was also fined \$100,000 due to the willful nature of the violations of the H-1B visa regulations and was barred from filing new petitions, extensions, and requests for permanent residency for internationally recruited workers under any visa

¹ Foreign Teachers Used to Fill Shortages in the US Now Face Victimization, PRI's The World, June 15, 2011. Available at: www.theworld.org/2011/06/foreign-teachers-victimization-shortages/.

² Prince George's County Public Schools agrees to pay \$4.2 million in back wages for violations of H-1B temporary foreign worker program, Department of Labor, July 7, 2011. Available at: www.dol.gov/opa/media/press/whd/WHD20110996.htm.

³ 20 CFR 655.731

⁴ Prince George's County Public Schools agrees to pay \$4.2 million in back wages for violations of H-1B temporary foreign worker program, Department of Labor, July 7, 2011. Available at: www.dol.gov/opa/media/press/whd/WHD20110996.htm.

program for two years.⁵ While this will prevent future violations of the H-1B visa regulations by PGCPs, the unintended effects has been that Filipino teachers were unable to apply for renewals of the H-1B or for a permanent employment visa (greencards) with PGCPs as the sponsor. In effect, they must either return home or find a different school district willing to petition and pay for an H-1B on their behalf.

Upon the decision for foreign-educated teachers in Prince George's County, leaders for Filipino Educators in Maryland noted that many teachers in the Baltimore City School District told them their hiring processes were similar. The city employs 500 teachers and each paid approximately \$10,000 in fees before the entered the country.⁶

⁵ Prince George's County Public Schools agrees to pay \$4.2 million in back wages for violations of H-1B temporary foreign worker program, Department of Labor, July 7, 2011. Available at: www.dol.gov/opa/media/press/whd/WHD20110996.htm.

⁶ City used hiring practices criticized in Prince George's County, The Baltimore Sun, April 5, 2011. Available at: http://articles.baltimoresun.com/2011-04-05/news/bs-md-filipino-teachers-20110405_1_filipino-teachers-filipino-educators-anthony-japzon.