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13 Attorneys for Plaintiffs

14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17 CHAMBER OF COMMERCE OF THE
18 UNITED STATES OF AMERICA;
19 NATIONAL ASSOCIATION OF
20 MANUFACTURERS; BAY AREA
21 COUNCIL; NATIONAL RETAIL
22 FEDERATION; AMERICAN
23 ASSOCIATION OF INTERNATIONAL
24 HEALTHCARE RECRUITMENT;
25 PRESIDENTS' ALLIANCE ON HIGHER
26 EDUCATION AND IMMIGRATION;
27 CALIFORNIA INSTITUTE OF
28 TECHNOLOGY; CORNELL UNIVERSITY;
THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY; UNIVERSITY OF
SOUTHERN CALIFORNIA; UNIVERSITY
OF ROCHESTER; UNIVERSITY OF UTAH;
and ARUP LABORATORIES,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY;
UNITED STATES DEPARTMENT
OF LABOR; CHAD F. WOLF,
in his official capacity as Acting Secretary of
Homeland Security; and EUGENE SCALIA,
in his official capacity as Secretary of Labor,

Defendants.

Case No. 20-CV-7331-JSW

**DECLARATION OF ZANE BROWN IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION, TO
STAY AGENCY ACTION, OR FOR PAR-
TIAL SUMMARY JUDGMENT**

MCDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
MENLO PARK

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1 I, Zane Brown, declare as follows:

2 1. I serve as Vice President & Associate General Counsel, Labor and Employment at
3 Amazon.com, Inc. (“Amazon”). I have been employed at Amazon for more than 19 years. As Vice
4 President & Associate General Counsel, my team and I are responsible for establishing Amazon’s
5 legal and corporate policies relating to U.S. immigration and workforce/employment policy. Ama-
6 zon is a member of Plaintiff organization the Chamber of Commerce of the United States of Amer-
7 ica. I make this declaration based on my own personal knowledge and if called as a witness could
8 and would testify competently thereto.

9 2. Amazon, a global and Fortune 100 company based in Seattle, Washington, offers
10 millions of unique products through Amazon Marketplace. Any approved business or entrepreneur
11 can sell virtually any item to Amazon’s millions of customers. Amazon is also a leading cloud-
12 computing provider and providers of other services including digital streaming and grocery deliv-
13 ery.

14 3. I am familiar with the DHS Rule, issued on October 8, 2020, to be effective Decem-
15 ber 7, 2020. I understand that the DHS Rule creates a new definition of “specialty occupation” for
16 H-1B workers that imposes unprecedented restrictions on the term. I understand that it requires an
17 H-1B worker to have a bachelor’s degree “in a directly related specific specialty.”

18 4. Amazon believes the U.S. should welcome the best and the brightest talent from
19 around the world, which is imperative for our country’s competitiveness. As a global company,
20 Amazon’s hiring and employment practices aim to attract and develop locally available and quali-
21 fied talent and move high-skilled and knowledgeable employees where they are most needed within
22 the company. Today, Amazon has more than 920,000 employees in the U.S. from all backgrounds,
23 including H-1B visa holders, who are dedicated to inventing on behalf of and serving our custom-
24 ers.

25 5. Several studies with which I am familiar have confirmed the positive impact that
26 foreign, high-skilled workers have on the overall economy and job creation, and Amazon has seen
27 evidence of this in its own workforce. Many of the roles filled by Amazon’s high-skilled H-1B
28 workforce are helping to drive the innovation that helps Amazon create more American jobs.

1 6. Amazon has created more jobs in the U.S. over the past decade than any other com-
2 pany, and it continues to hire people from all backgrounds and at all skill levels. Amazon’s high-
3 skilled workforce, including its employees on H-1B visas, help Amazon innovate on behalf of cus-
4 tomers and create jobs.

5 7. Amazon’s H-1B workforce provide high-level technical expertise. Their industrial
6 experience and intimate knowledge of Amazon’s business operations are an integral part of Ama-
7 zon’s continuous success and growth.

8 8. Amazon also knows the importance of high-skilled visas not just from a business
9 perspective, but from the perspective of Amazon’s many employees and their families who are here
10 in the United States on these visas. These employees are working hard every day to contribute to
11 the American economy and to drive innovation that creates more jobs. With the economy ham-
12 strung by the pandemic, now is not the time to restrict high-skilled visa programs.

13 9. While it is hard to quantify the potential impact of the DHS Rule precisely, Amazon
14 anticipates that its H-1B denial rate could increase under this Rule as a result of the change in how
15 a “specialty occupation” is defined given that the Rule inflexibly requires “direct” relevancy
16 between a specialized degree and the proffered role.

17 10. The DHS Rule eliminates the ability of our hiring managers to consider other rele-
18 vant degrees (such as an electrical engineering degree to qualify for a software developer position).
19 It would also eliminate the ability of hiring managers to consider employees who bring years of
20 hands-on experience, which is particularly valuable given the pace of technological change. The
21 current regulations permit the combination of education and experience—even if the degree is not
22 in a “directly” related field. This strict degree requirement is arbitrary in nature to only focus on
23 degree relevance and neglect the importance of industry experience.

24 11. For example, Amazon employs a data scientist who possesses a degree in psychol-
25 ogy with substantial coursework in statistics and economics. As another example, Amazon employs
26 a software engineer who possesses a degree in chemical engineering. As a third example, Amazon
27 employs a Senior Product and Customer Insights Manager who possesses a degree in Public Ad-
28 ministration, Applied Economics, and Finance. Under the DHS Rule, it is not clear that any of these

1 valued employees would qualify for an H-1B visa because the individual's degree is not sufficiently
2 specialized, even though these employees are well qualified with relevant coursework and possess
3 the needed skills to fill these positions.

4 12. The DHS Rule will apply to all of Amazon's employees' cases, even if they were
5 previously approved under the current rules. Many of Amazon's most tenured employees with de-
6 grees that would not be considered "directly related" under the DHS Rule are going to be at sub-
7 stantial risk of having their renewal cases denied. For these employees, this would be highly dis-
8 ruptive—for many it would mean uprooting their entire family from the U.S. These are highly
9 skilled and technical employees, many of whom have lived in the U.S. for years with U.S. citizen
10 children.

11 13. This would also be highly disruptive to Amazon's business. Like other Fortune 100
12 companies, Amazon builds its business operations around short-term and long-term goals. These
13 kinds of expedited and arbitrary changes do not give Amazon enough time to assess their impact
14 and make informed business decisions about how to proceed. Amazon is left scrambling to react,
15 as opposed to having sufficient time to plan ahead to take advance measures that would be in the
16 best interest of our employees, our business, and the broader economy. It also creates a stressful
17 experience for our employees who often do not understand if or how the changes will impact their
18 ability to remain working in the US.

19 14. The DHS Rule will also make it more difficult for Amazon to hire international
20 talent for new roles that Amazon has been unable to fill with American workers. Amazon makes
21 every effort to recruit and hire American workers from many different sources. For example, on
22 September 16, 2020 Amazon hosted its 2020 Career Day. This was a nationwide virtual event that
23 gave attendees the opportunity to learn about the 33,000 corporate and tech jobs currently available
24 across the country. But Amazon has more vacancies for high-skilled jobs than it can currently fill
25 with American workers, requiring Amazon to recruit internationally to fill some open positions. If
26 Amazon is not able to hire the talent that it needs, Amazon will be unable to continue its trajectory
27 of creating jobs and innovating on behalf of its customers.
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15. Amazon has also been harmed by DHS’s failure to provide a formal notice and comment period before issuing the DHS Rule. Amazon regularly provides comments on proposed rules to share the perspective of Amazon and its employees before the government takes action. This would have included informing the government about the substantial impacts to Amazon’s business that the DHS Rule would cause and the substantial reliance interests that it upends.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 22, 2020
Seattle, Washington

DocuSigned by:
Zane Brown
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ZANE BROWN

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