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Update on the Pilot Shortage in the US 21 Sept 2022

Good day,

Last week HLG attended our first in-person award ceremony in over two years, accepting the **Immigration Law firm of the Year Award**, hosted at ALB Law Awards 2022. Firstly, thank you to Reuter's for organizing the annual ALB ceremony and the Judges Panel for acknowledging the accomplishments of our legal team amongst other distinguished lawyers and law firms.

I would be remiss not to mention our global team of lawyers, legal teams, and colleagues in all departments across HLG's 20+ offices around the world whose dedication and commitment to delivering a high standard of excellence, have directly contributed to this award. It has not been an easy two years and so we are very proud of our dedicated colleagues for rising to the challenge.

We are thankful to our clients, business partners and ALB for this recognition and will continue to push the boundaries to be world-leading pioneers in immigration.

Now turning to the pilot shortage - please find below our latest update on the situation in the US. Also, in view of the requests received from our successful clients who need to do their FAA Certification, following the usual due diligence and on-site visits, we are now in a position to recommend Alliance Aviation. Click the following link for more information - <https://www.alliance-training.com/>.



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We have also received a lot of questions regarding the difference between the NIW visa and the other existing immigration pathways to the US. My colleague in Vancouver, Lily Wang, together with our office in Miami was kind enough to write the following explanation and, to your appreciation I am sure, they kept it short and sweet:

The key difference and most attractive aspect of the EB-2 NIW visa is one of immigration intent, meaning that at the end of the 12–18-month process, you and your dependents will obtain **green cards and gain permanent residency status in the US for 10 years**. Unlike work visas such as the E-3, H-1B1, or H-1B which binds you to one employer, a green card allows you the mobility to live anywhere in the US and work for whichever airline you like. Notably, if you decide to switch to another airline any time during the 10-year period, this does not affect you or your family's ability to remain in the US which cannot be said of the other work visas.

Second, to obtain the NIW, individuals are assessed based on their professional background and whether they meet the “exceptional ability criteria” set by USCIS. In other words, the NIW program is **based on merit and not lottery**. This is in stark contrast to other programs, such as H-1B, where a lottery system determines your candidature. To give you context, in 2022 alone over 484,000 people applied for the H-1B visa which only had 60,000 spots. Fortunately for NIW applicants, there is no quota, lottery, or time limit for applications. NIW also has wider and more flexible requirements for education, so **pilots who do not hold a bachelor's degree or college diploma may still be eligible for the NIW** (unlike E-3 or H-1B1 visas which require an applicant to have, at minimum, a bachelor's degree). For our NIW approvals, a few held master's degrees whilst others had high school diplomas.



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Lastly, since the NIW program waives the job offer requirement, it is a relief for many pilots to know they **do not need a job offer or an airline to sponsor their application**, unlike the E-3, H-1B1, O-1, EB-2A, or EB-2B. This waived requirement not only saves months (even years! – a sponsored petition could take up to three years to be processed) but provides a simpler process overall by cutting out another factor in the immigration equation.

On the usual subject of our fees and the risk sharing principle behind it, at present, even following numerous additional acceptances since our last newsletter, we are still unable to solidify a standard profile that would justify us to change the risk sharing policy, hence for the moment, we are keeping our fee structure as is until further notice.

On a final note, you will see below that the shortage is not even close to being resolved and is far from it. I would like to bring your attention to an article from Aviation International News which clearly explains the industry wide debate on the pilot shortage and, well, the industry seems to be stuck between a rock and a hard place, to put it mildly. You will find said article at item 3 below.

Best regards,

MR. JEAN-FRANCOIS HARVEY

Global Managing Partner

1. [‘Flex Air Launches Civil Path To Wings Cadet Program Amidst Growing National Pilot Shortage To Help Aspiring Aviators Qualify For U.S. Air Force Service’](#), PR Newswire, 8 September 2022
 - Flex Air, one of America's leading Part 61 flight training academies, today

announces its Civil Path To Wings Cadet Program, a new offering that will help aspiring aviators qualify to serve in the flight deck of United States Air Force planes on an accelerated timeline.

- A growing national pilot shortage, already severely impacting airlines around the country, is also jeopardizing the U.S. military's recruiting efforts. Flex Air will help mitigate this issue through its new class-defining Cadet Program, where students can learn to fly without a commitment to serve until conditional acceptance as a pilot by the U.S. Air Force.
2. James Pearson, [‘Ouch: American, Delta & United Have Cut 59 Airports Since April 2020’](#), Simply Flying, 7 September 2022
 - Small airports serving small communities have been especially badly hit since the pandemic struck. According to consultancy Ailevon Pacific, 59 airports across the USA have been dropped (or soon will be) by American, Delta, and United since April 2020.
 - Station cuts are driven by various factors, including the pilot shortage, parked regional aircraft, and because many airports were served by that increasingly dying breed: all-economy 50-seater regional jets.
 3. Gregory Polek, [‘U.S. Dispute Over Pilot Shortages, Flight Disruptions Ratchets Up’](#), Aviation International News, 1 September 2022
 - The Air Line Pilots Association's launch of a nationwide informational picketing campaign on September 1 raises the temperature in a heated dispute over the existence of a pilot shortage in the U.S. and the source of disruptions in operations among airlines.
 - While airlines blame crew shortages, ALPA places the responsibility squarely on airlines for their mismanagement of staffing needs following what the union characterizes as a predictable result of the recovery of travel demand amid the waning of the COVID pandemic.
 4. Susan Campbell, [‘Mesa Airlines Boosts Pilot Pay To Combat Staffing](#)

- [Shortage](#), Arizona's Family, 31 August 2022
 - It's been the summer of delays and cancelations. Across the country, airlines have struggled with staffing shortages. Now, in an effort to combat the ongoing pilot shortage, pilots who work for Phoenix-based Mesa Airlines are about to get a big raise. For some, the newly negotiated rates will about triple their pay.
 - "I think what we've done is bold, but I also think it is entirely necessary and is something that is justified because there is no alternative. I mean, we're not going to sit back and watch the company evaporate," said Jonathan Ornstein, the chairman, and CEO of Mesa Airlines.
5. Hannah Towey, ['When Will The 'Flightmare' End? Airlines May Not Fully Catch Up Until 2024, Industry Analyst Says'](#), Business Insider, 31 August 2022
- Unfortunately, while delays appear to be subsiding at some airlines, the industry may not be able to fully recover until as late as 2024.
 - It's no secret that hiring is one of the major challenges that have prevented airlines' full recovery. New employees at airlines and airports must be trained and retained, which has proven a challenge as many new hires quit months into the job.
6. Jon Rudder, ['Pilots At CommutAir To Get Big Pay Boost'](#), News 5 Cleveland, 30 August 2022
- "A lot has changed over the course of the pandemic. And we need to find some solutions that increase our pilot flow in the United States," said CommutAir CEO Rick Hoefling.
 - In an effort to attract and retain pilots, CommutAir has agreed with Air Line Pilots Association to increase wages and benefits.
 - The increase makes the carrier's pilots among the top paid regional airline pilots in the United States.

7. Jennifer Korn, [‘Pilots From A Bankrupt Airline Were Just Offered Jobs By A Competitor Without A Single Interview’](#), CNN, 26 August 2022
 - Pilots are in high demand lately -- such high demand, in fact, that pilots from the recently defunct ExpressJet Airlines are finding themselves with new job offers, without so much as an interview, days after their employer declared bankruptcy.
 - Piedmont Airlines, a regional airline based in Maryland and subsidiary of American Airlines, announced Thursday that it would offer ExpressJet pilots conditional job offers based on seniority.
 - The offer isn't just coming from Piedmont Airlines, either. American Airlines subsidiary Envoy Air "has the same provisions and we are offering ExpressJet/Aha pilots conditional job offers with no interview," according to Ric Wilson, Vice President of Flight Operations from Envoy Air.

8. Lauren Arena, [‘American Airlines Cuts 31,000 Flights From Schedule’](#), BTN Europe, 18 August 2022
 - American Airlines has removed thousands of domestic and international flights from its November schedule.
 - The carrier, which has already cut more than 19,000 flights this year, said the cuts reflect network and schedule planning throughout the year.

9. Riley Pickett, [‘Captains For This Startup Airline Could Earn \\$250,000+’](#), Simply Flying, 13 August 2022
 - A new US regional airline startup, Connect Airlines, is offering a massive salary for direct-entry captains. The news of this eye-catching salary comes amid a pilot shortage when airlines are struggling to find qualified pilots.
 - The requirements to be considered for this position are low even compared to other regional airline's direct entry captain positions. Qualifying pilots only need 2,500 total flight hours and provides a benefits package and a home every night schedule.

10. Geoff Murray, Roray Heilakka, and Andrew Medland, [‘The Pilot Shortage Will Only Get Worse As The Decade Progresses’](#), Marsh McLennan, 8 August 2022
 - Despite the rebound in air travel demand in 2021 and 2022, the lack of pilots quickly became apparent, starting in North America where the shortage is being most acutely felt.
 - Our latest model, in part based on the Global Fleet & MRO Forecast 2022-2032, expects the region to face a shortfall of 8,000 pilots in 2022. That gap will grow to more than 29,000 by the end of the decade.

11. Daniella Genovese, [‘Pilot Fatigue Remains High Concern As Carriers Try To Recapture Revenue’](#), Fox Business, 3 August 2022
 - Pilots are being "recklessly utilized" as airlines across the industry work tirelessly to recapture revenue lost during the pandemic, according to Pilots Association Communications Chair Dennis Tajer.
 - The issue is that airlines are scheduling too many flights for the number of trained and current pilots they have. It's creating an uptick in pilots calling out fatigued or who have hit the legal limit of duty hours.
 - During the entire month of June, he says there was a fourfold increase in the number of fatigue calls from American Airlines pilots alone. On some days, there was a tenfold increase, which is a "warning sign that the system is under unnecessary duress," according to Tajer.

12. [‘Thune, Colleagues Introduce Legislation To Address Pilot Shortage’](#), John Thune U.S. Senator for South Dakota, 25 July 2022
 - U.S. Sen. John Thune (R-S.D.) today joined his colleagues in introducing the Let Experienced Pilots Fly Act, legislation that would raise the mandatory commercial pilot retirement age from 65 to 67.
 - "Airline staffing challenges continue to result in cancellations and delays across the aviation system," said Thune. "Providing an opportunity for highly qualified, experienced pilots to continue flying past age 65 is a

sensible way to alleviate these challenges while training programs recover from the effects of the pandemic.”

13. Katie Balevic, [‘It Could Be Up To 3 Years Before Flight Capacity And Pilot Supply Are ‘Back In Sync,’ American Airlines CEO Says’](#), Business Insider, 23 July 2022
 - The CEO of American Airlines on Thursday said it could be two to three years before flight capacity returns to normal amid an ongoing staffing and pilot shortage.
 - "I think it's dependent on the supply chains of aircraft manufacturers and ultimately, pilot supply to get all back in sync," CEO Robert Isom said. "From a regional perspective, it's just going to take a little bit longer than that, maybe 2 or 3 years, to kind of get the supply chain for pilots back to where we need it to be."

14. Bethany Biron, [‘Delta Tries To Fix The National Pilot Shortage And Accelerate Training Using Private Charter Company In New Partnership’](#), Business Insider, 23 July 2022
 - Delta is teaming with a private charter company to accelerate pilot training and alleviate the national pilot shortage. The airline announced on Friday that it would allow pilots in its college program to log training hours with Wheels Up, one of the world's largest private aviation companies, to help speed up full-time employment.
 - In a statement, Delta and Wheels Up said the partnership is intended to provide "another path to full-time employment" and fill demand for skilled pilots, as a current shortage has left many airlines unable to fulfill flight schedules amid an already chaotic summer of travel.

15. Thomas Novelly, [‘Air Force Testing Autonomous Control On Transport Planes Amid Pilot Shortage’](#), Military.com, 21 July 2022
 - The U.S. Air Force is partnering with a Boston-based technology company

to test using an autonomous co-pilot on its cargo transport planes, a step toward one solution for the service as it faces pilot shortages and automation begins playing a larger role in the military.

- Merlin Labs, an aviation technology company, said last week that it had reached a deal to test putting its commercial autonomous pilot technology on the Air Force's C-130J "Super Hercules" cargo planes.
- While the technology won't detect obstacles such as birds in the sky or cars on a runway, it is a notable step toward eventual automation.

16. Susan Snyder, ["I've Never Seen Anything This Bad': With A Pilot Shortage Causing Havoc, A Philly Job Fair Tried To Lure More To The Cockpit"](#), The Philadelphia Inquirer, 19 July 2022

- A pilot shortage continues to threaten service around the country. "I've never seen anything this bad," not even after 9/11, said Robert W. Mann Jr., president of R.W. Mann & Co., Inc., a Long Island-based independent airline industry analyst.
- Lack of pilots had been a growing problem for years before the pandemic, fueled by low wages and financial difficulties. But it got increasingly worse after the coronavirus shut down service for a period, creating dire financial situations and a flood of retirements, experts say.

17. Chris Isidore, ["Airlines Forced To Drop Service At These US Airports Due To The Pilot Shortage"](#), CNN Business, 12 July 2022

- American Airlines, the only carrier providing regular service to Dubuque, is dropping its routes due to a lack of pilots needed to staff the regional jets serving the airport. The airline is also dropping service in Islip, New York, on eastern Long Island, Ithaca, New York, the upstate home of Cornell University, and Toledo, Ohio, for the same reason.
- For most of the residents and businesses using the Dubuque airport, the chief alternative is going to be a three-hour drive to O'Hare Airport in Chicago. Beyond making travel more difficult, the decision is a major blow to the business prospects for the city and surrounding area.

- Dubuque and the other affected airports aren't alone; this is a problem hitting more and more cities, and it is likely to be a growing concern in years to come, according to experts.
18. Niraj Chokshi, [‘Airline Pilots Seek Big Raises, And Broader Changes’](#), New York Times, 10 July 2022
- Each of the nation’s largest carriers is in the process of trying to strike a deal with pilots. In some cases, airlines appear ready to pay substantially higher wages, with two major airlines recently offering to raise pay more than 14 percent in the next year and a half.
 - But money alone may not be enough. Pilot unions are also demanding changes that they say would improve operations and their members’ quality of life, particularly as flight disruptions throughout the recovery have left pilots feeling frustrated and overworked.
 - They may be well positioned to get what they want, industry analysts say.
19. Caryl Anne Francia, [‘Pilot Shortage Interferes With Summer Travel, Hurts Industry Rebound Efforts’](#), The Ticker, 3 July 2022
- The American airline industry is suffering a shortage of pilots, forcing a record number of flight cancellations as the busy summer travel season starts.
 - The number of working pilots has declined from 84,520 to 81,310 between 2019 and 2021, according to a report by the U.S. Bureau of Labor Statistics.
20. Thomas Barrabi, [‘American Airlines Offering Pilots Raises Of Up To \\$64K During Labor Crunch: Report’](#), New York Post, 1 July 2022
- American Airlines is offering its pilots a major pay bump and other concessions as it aims to overcome shortages that have exacerbated flight disruptions in recent months.
 - The proposed terms would increase maximum pay for pilots of



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narrow-body planes by \$45,000 to as much as \$340,000. Wide-body jet pilots can earn as much as \$64,000 more, for a maximum annual salary of \$425,000.

- In a video message to staffers Thursday, the American Airlines boss reportedly said the deal also includes “significant improvements to scheduling-related and quality-of-life items” — a key sticking point for pilots who have grumbled about deteriorating work-life balance during a recent surge in travel demand.

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