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FAIR is a nonprofit public interest organization working to end illegal immigration, and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

March 28, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen,

On behalf of the Federation for American Immigration Reform's (FAIR) nearly 2 million members and supporters nationwide, I am writing to urge you to protect the job opportunities and wages of blue collar American workers by refusing to issue any additional H-2B foreign worker visas above the statutory annual cap of 66,000.

As part of last week's \$1.3 trillion omnibus spending bill, Congress gave you the discretionary power to exceed the H-2B cap for the remainder of the fiscal year. Specifically, this provision, included at the behest of the business lobby, authorized you to increase the H-2B foreign worker cap "upon the determination that the needs of American businesses cannot be satisfied in Fiscal Year 2018 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor." While ceding this authority to the Executive Branch without a public debate is objectionable in its own right, the undue harm that such a determination would impose upon the most vulnerable American workers is undisputed and unjustifiable.

As you know, the same provision was included in the Fiscal Year 2017 omnibus, which led to then-Homeland Security Secretary John Kelly approving what he referred to as a "one time increase" of the H-2B cap by 15,000. Even that "one-time" increase hurt American workers, and there is little justification for raising the cap a second time even though you have the discretion to do so. H-2B – like all guest worker programs – is designed to be a last resort labor option when it's proven that no local workers are available. Yet, businesses have become accustomed to using foreign workers for so long that they've become dependent on them, sometimes to the exclusion of all others. We urge you to help break this cycle and side with American workers.

Simply put, flooding the job market with cheap, low-skilled foreign workers would be another boon to special interests and an absolute betrayal of the very workers President Trump has consistently pledged to protect. As he accurately noted on the campaign trail, "the influx of foreign workers holds



down salaries, keeps unemployment high, and makes it difficult for poor and working class Americans – including immigrants themselves and their children – to earn a middle class wage.”

While job growth has steadily improved since President Trump took office, the employment situation for many Americans remains bleak. In fact, recent data from the Bureau of Labor Statistics (BLS) shows that over 50 percent of Americans of working age without a high school degree are not in the labor force. Employment prospects for those with no more than a high school degree are only slightly better. Surely these Americans are capable and willing to perform low-skilled work for fair wages and working conditions.

Furthermore, the main justification cited by cheap labor-dependent businesses for increasing the H-2B cap is that there are significant labor shortages in the largest H-2B occupations. In fact, the opposite is true. According to data compiled by BLS, the unemployment rate for construction is 9.7 percent, 8.9 percent in building and grounds cleaning and maintenance, and 11.3 percent for farming, fishing, and forestry occupations – all much higher than the national unemployment rate, currently hovering around 4.1 percent. A historical look of similar data by the Economic Policy Institute (EPI) tells the same story: For the past decade, wages have been stagnant and unemployment rates have been sky high in H-2B occupations.

You have a unique opportunity to send a clear message to special interests that business as usual is over and last year’s increase was truly a “one time” concession. We respectfully urge you to refuse to increase the H-2B cap and pressure businesses to hire their fellow American citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Stein', written in a cursive style.

Dan Stein
President