

H-2B Short-Term Workers: Essential for Our Nation's Economy

The Issue: The H-2B visa category is the only temporary visa program available for employers who need non-agricultural workers to fill the short-term non- and semi-skilled positions essential to our economy. Yet, this program is limited by an annual restrictive cap of 66,000 visas. Although employers obtained limited relief from the cap for fiscal years 2005 and 2006, permanent reform must be achieved through comprehensive immigration reform. Such necessary reform would improve access to the H-2B program and introduce additional visa channels for these essential workers. Without these changes, many U.S. small businesses will once again be in the position of having to limit their services or close their doors—some permanently.

H-2B workers perform non-agricultural, seasonal, or short-term tasks essential to the American economy and the economies of communities across this nation. Tourism from Maine to Alaska, swimming pool management companies across America, the timber industry in Maine, the catfish and timber industries in Louisiana, crab processing in North Carolina, and the shrimp industry in the Southeast are but a few of the industries that depend on the H-2B program to bring in needed workers.

U.S. employers rely on the H-2B program for access to essential workers in those instances in which no U.S. workers are available. H-2B visa holders help keep the doors of American businesses open. These workers include restaurant, landscape, food production, and hotel service workers. They fill the rosters of our minor league hockey and baseball teams, teach our kids to ski, and repair helicopters that fight summer forest fires.

The 66,000 cap on the H-2B program has not been adjusted since the visa category was initially capped in 1990. However, during that period a variety of factors have hampered U.S. employers' ability to find and hire willing American workers for short-term positions. Shortages in certain sectors of our economy are getting worse and the demand for workers to fill service sector jobs is increasing. In some cases, Americans are unwilling to engage in low-skilled and semi-skilled short-term employment. In addition, many of these short-term jobs would require Americans to relocate for several months to a remote location, a move many are unwilling to make. Despite employers' efforts to recruit U.S. workers, employers find they need H-2B workers to fill vacancies.

AILA's Position: Congress must pass a comprehensive immigration reform package that gives employers adequate access to short-term and longer-term essential workers. Such reform must alleviate the current strain on the H-2B program and create other visa programs that would provide a long-lasting solution for employers. Clear, streamlined, and efficient programs would match willing workers with willing employers and help America's small and seasonal companies stay open for business.

Current Legislation: After the cap was hit early in FY 2004 and 2005, Congress passed the "Save Our Small and Seasonal Businesses Act of 2005" as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13). This act (1) provided emergency relief for FY 2005 and 2006 by exempting from the cap prior H-2B workers who had participated in the program in one of the previous three years and successfully complied with all program requirements and (2) made several permanent changes to the program. S. 2284 and H.R. 4740, the "Save Our Small and Seasonal Businesses Act of 2006," would extend the exemption for returning workers until 2009. However, this relief would provide far from a lasting solution for H-2B employers.