



AMERICAN IMMIGRATION LAWYERS ASSOCIATION

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February 11, 2005

By Facsimile and Messenger

Dear Senators Gregg and Mikulski:

[Representatives Gilchrest and Delahunt by separate letter]

AILA congratulates you for your leadership in addressing the critical need for H-2B workers with your introduction of the "Save Our Small and Seasonal Businesses Act of 2005." This critical bipartisan legislation would provide much needed access to H-2B workers who enter the U.S. to perform temporary, but essential, non-agricultural seasonal tasks. Such increased access reflects the need for an immediate fix because the 66,000 annual cap on this visa was reached only three months into the current fiscal year. Without a fix, the shortages American employers will experience will leave many with no option other than to shut their doors, reduce their seasons, or operate at less than full capacity. The lack of access to H-2B workers will economically devastate industries and communities nationwide.

The H-2B visa program is a vital component of many seasonal industries in America. This visa helps keep jobs here by providing additional manpower to American employers during their peak seasons. Jobs in the restaurant, hotel, fishing and forest fire fighting sectors, among others, are essential to the U.S. economy. But without vitally needed H-2B workers, businesses in these sectors will suffer or be forced to close their doors.

Employers can apply for H-2B visas only after the state employment agencies and U.S. Department of Labor certify that they have been unable to secure enough U.S. workers to fill jobs despite significant outreach and recruitment efforts. Traditionally, 66,000 H-2B visas are available for each fiscal year. However, this year, only 3 months into FY 2005, the government announced that it will not accept any more new applications for the H-2B visa program, leaving many employers stranded. This is the second time the H-2B cap has been officially reached.

Several factors are contributing to the current crisis of shortages in certain sectors of the American economy. The demand for workers to fill service sector jobs is increasing. In some cases, Americans are unwilling to engage in low-skilled seasonal employment. In other cases, as in the fishing industry, Americans do not have the specific skills to perform some specialized functions that are necessary for foreign markets. In addition, many of these seasonal jobs would require Americans to move for a summer to a remote location, a move many are unwilling to make. Despite employers' efforts through welfare-to-work, school-to-work and other initiatives, employers find they need H-2B workers to fill seasonal vacancies.

We look forward to working with you on this important legislation. This fix must be followed by the more lasting solution that can be achieved only through comprehensive immigration reform.

Sincerely,

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