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July 8, 2011

Michael Jones
Acting Administrator, Office of Policy Development and Research
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-5641
Washington, DC 20210

Submitted via www.regulations.gov

Re: Wage Methodology for the Temporary Non-Agricultural
Employment H- 2B Program; Amendment of Effective Date
RIN 1205-AB61

Dear Mr. Jones:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the Department of Labor's (DOL) Notice of Proposed Rulemaking (NPRM), "Wage Methodology for the Temporary Non-Agricultural Employment H- 2B Program; Amendment of Effective Date," published in the Federal Register on June 28, 2011.

AILA is a voluntary bar association of more than 11,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. The organization has been in existence since 1946. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on the NPRM and believe that our members' collective expertise provides experience that makes us particularly well-qualified to offer views on this matter.

AILA has reviewed the comments submitted by the Office of Advocacy of the Small Business Administration (SBA), Docket ID ETA-2011-0002-0014, on July 6, 2011, and agrees with the SBA that the Labor Department has failed to provide an adequate factual basis for its certification of no significant impact and failed to provide sufficient time for members of the affected public to adequately comment on the impact of an advance of the effective date.

AILA urges the Department of Labor to properly complete an IRFA and to extend the deadline for comments to this proposed rule.

Conclusion

In sum, the significant and unrelenting regulatory changes that have been forced upon the H-2B program over the past several years have created tremendous uncertainty and confusion for the businesses that rely on the program. This program has proven to be extremely valuable to employers who try, year after year, to hire U.S. workers to fill temporary positions without success. Advancing the effective date of the wage rule will further burden employers who rely on the H-2B program. We appreciate the opportunity to comment on this NPRM and look forward to a continuing dialogue with the Department on these important matters.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION