



The H-2B Program Benefits Seasonal Small Businesses & Their American Workers

PLEASE IMMEDIATELY PASS LEGISLATION TO RE-INSTATE THE H-2B RETURNING WORKER EXEMPTION THAT EXPIRED ON OCTOBER 1, 2016 AS PART OF THE HOMELAND SECURITY APPROPRIATIONS BILL FOR THE REMAINDER OF FISCAL 2017 OR ANY OTHER APPROPRIATE MEASURE.

PERMANENT REFORM LEGISLATION IS ALSO NEEDED TO ADDRESS BURDENSOME REGULATORY REQUIREMENTS, LEGAL UNCERTAINTIES AND THE ARBITRARY CAP ON THE NUMBER OF H-2B WORKERS ADMITTED TO THE U.S. EACH FISCAL YEAR.

The H-2B Program Creates American Jobs

- The H-2B program is essential for small and seasonal businesses that are committed to hiring a legal workforce but are unable to fill seasonal jobs with American workers despite extensive recruitment efforts. Seasonal industries that use the H-2B program include seafood processing, horse training, hospitality and amusement parks, forestry, landscaping, circuses, carnivals, food concessionaires, swimming pool maintenance, and stone quarries.
- The H-2B program is important to workers. For H-2B workers, the program provides well-paying seasonal jobs that allow them to provide for their families and still maintain their homes in their native countries. This program is also important for American workers whose year round positions are reliant upon seasonal laborers during peak seasons.
- Every H-2B worker is estimated to create and sustain 4.64 American jobs.

Immediate Returning Worker Cap Relief is Needed

- In a strong economy, the program's congressionally mandated cap of 66,000 (33,000 for each half of the fiscal year) is inadequate to meet the seasonal needs of small businesses.
- The cap was hit in 2015 year for the first time in several years, leaving many seasonal employers in the lurch. If Congress had not re-instated the H-2B returning worker exemption for fiscal 2016, many small and seasonal businesses would have had to close their doors and lay off their American workers.
- For fiscal 2017, the 33,000 cap for the first half of the fiscal year was reached on January 10 and the 33,000 cap for the second half of the fiscal year will be reached shortly. Without relief, many seasonal businesses will be unable to fulfill customer contracts. They will be forced to scale back on equipment and supply purchases, layoff of American workers, and in some cases shut down their entire operations.
- Congress must renew the H-2B returning worker exemption that was included in the Fiscal Year 2016 Consolidated Appropriations Act (P.L. 114-113) and which was also in place from 2005 through 2007. This provision of law exempted from the current year cap H-2B workers who complied with all past visa requirements and worked in the program during one of the preceding three fiscal years.

Small and Seasonal Businesses Need a Stable H-2B Program

- In 2015 the Departments of Homeland Security and Labor jointly issued a new final wage rule and a new interim final comprehensive program rule. The rules created additional costs and obstacles for seasonal employers on top of existing requirements that employers work with four government agencies, undertake extensive recruitment to find American workers, and pay workers a premium wage.
- The fiscal 2016 omnibus appropriations bill and subsequent continuing resolutions provided temporary relief from some of the most onerous provisions of the rules.
- The program has been plagued with litigation, program shutdowns, constantly changing H-2B regulations and severe processing delays. Seasonal employers cannot plan for future business growth when they do not know if they will be able to use the program from one year to the next or if they will be able to keep up with increasing costs and complexities associated with the program.
- Legislation is needed to provide certainty for seasonal employers, make the program run more efficiently and provide permanent cap relief.



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