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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



June 21, 2017

The Honorable John Kelly
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly,

On behalf of the Federation for American Immigration Reform's (FAIR) nearly 1.5 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 month's omnibus government funding bill, Congress gave you the discretionary power to exceed the H-2B cap for the remainder of the fiscal year. Specifically, this provision, 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 2017 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.

Simply put, flooding the job market with cheap, low-skilled foreign workers would be a 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." Therefore, it was deeply concerning to hear you inform the Senate Appropriations Committee that, while you wish you did not have discretion, an increase in the H-2B cap for the current year is likely.

You have no obligation to use this discretionary authority and I respectfully request that you refuse to exercise it. For too long, businesses have padded their bottom line by using cheap foreign workers instead of paying fair market wages to capable Americans. There remain millions of unemployed and under employed Americans who are more than capable of performing low-skilled work. The Trump administration should not reward the business lobby's intentional disregard of U.S. citizens to maximize profits.

While President Trump has done a lot in his short time in office to get the economy running again, much damage persists from the harmful Obama years.



In fact, recent data from the American Community Survey shows that over 50 percent of Americans of working age (18-65) 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.

Further, 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 new data compiled by the Economic Policy Institute (EPI), the unemployment rate in the first quarter of 2017 for landscaping was 8.6 percent, 10 percent in construction, and 11.3 percent for farming, fishing, and forestry occupations – all much higher than the national unemployment rate, currently hovering around 4.5 percent. EPI's historical look at the data tells the same story: For the past decade, wages have been stagnant and unemployment rates have been sky-high in H-2B occupations.

You know first-hand the harm caused by high levels of low-skilled foreign workers. During the same Senate Appropriations Committee hearing mentioned above, you highlighted your own “working-class root background” and how it reminds you that some of the foreign workers on H-2B visas are being used to undercut wages. You now have a unique opportunity to send a clear message to special interests that business as usual is over. I 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', with a stylized flourish at the end.

Dan Stein
Presiden