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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



FEDERATION FOR AMERICAN IMMIGRATION REFORM

May 4, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump:

I write to you today on behalf of the Federation for American Immigration Reform's (FAIR) over 2 million members and supporters nationwide. Specifically, we urge you to immediately issue a new executive order suspending the admission of guestworkers – in addition to other items mentioned below – as part of an effort to protect American workers at a time of crisis.

In your April 22, 2020 executive order you correctly cited the harmful impact that foreign workers have on American wages and opportunities. Specifically, you noted that “we must be mindful of the impact of foreign workers on the United States labor market, particularly in an environment of high domestic unemployment and depressed demand for labor.” This is absolutely correct. As such, the April 22 executive order did not go far enough. It temporarily suspended – with major exceptions – only some immigrants applying for permanent visas from outside the United States. FAIR estimated the executive order applies to less than 10 percent of the eligible immigrant population, affecting only a few thousand individuals. This order did not address any guestworker programs, which have a far greater effect on wages and job opportunities.

The Federal government should not force Americans to compete with cheap foreign guestworkers for limited job opportunities, even in normal times. Studies of every program regularly show that employers pay guestworkers less than Americans doing the same job. With growing unemployment numbers totaling over 30 million, it is unconscionable that the Federal government continues to allow guest workers to flow in, taking jobs that would otherwise go to Americans.



The national need is clear. **We are calling on you to issue a new executive order suspending the issuance of nonimmigrant guestworker visas.** These visas – notably H-1B, H-2A, H-2B, L-1, and J-1 – are unnecessary given the economic conditions facing American households. Every year, over 66,000 and 350,000 H-2B and J-1 unskilled workers fill jobs in restaurants, bars, amusement parks, and other service industries. Employers paid these foreign workers anywhere from 7.3 to 31 percent *less* than Americans, despite performing the same jobs. How can our country allow over 400,000 - nearly a half a million - potential jobs go to cheaper guestworkers instead of Americans struggling to pay rent?

As this public health crisis continues, white collar workers have seen their pay cut, hours reduced, and even jobs terminated. Additionally, millions of college seniors will graduate throughout the early summer. As these Americans test the ever-shrinking job market, they will find themselves competing against H-1B, L-1, and Optional Practical Training (OPT) workers. Studies highlight that these foreign workers are hardly special, with most possessing the skills of an average American college graduate. Yet in 2019, the State Department issued 265,000 visas between the H-1B and L-1 programs alone. H-1B workers bring their spouses and dependents with them on H-4 visas, allowing them to work in the United States and take even more jobs from American citizens. An AP analysis found that H-1B workers are paid substantially less than Americans performing the same jobs. At record unemployment levels, how can we turn our back on the American worker by allowing hundreds of thousands of H-1B and L-1 workers to remain in the country?

Your administration could permanently end the OPT program today, as it was created under executive fiat by President George W. Bush. This program, administered by the Department of Homeland Security (DHS), allows foreign students to temporarily work in the U.S. after graduation. The employers that hire these workers pay zero payroll taxes – depriving our Federal and state entitlement programs of needed money.

In addition to suspending guestworker admissions, I call on you to suspend the controversial and fraud-ridden EB-5 investment visa program. Congress designed the program to help inject capital into poorer areas of our country that needed investment and jobs. Instead, this program simply allows foreign millionaires – mostly Chinese – to fund luxury projects in California and New York. The EB-5 program makes a mockery of American citizenship. The most powerful country on earth has no legitimate reason to sell its most precious asset.

Finally, we request that you direct the Departments of Labor and Homeland Security to review the labor certifications of thousands of pending employment-based immigrant and nonimmigrant visas to ensure that the employer requests are still justifiable, that the businesses are still viable, and that the foreign workers are still needed at this time.

Mr. President, you have acted quickly and decisively to address the fallout from the economic calamity wrought by coronavirus. But our country needs you to take additional steps. In order to fulfill your own stated goals of protecting American workers from foreign competition, I urge you to suspend the admission of guestworkers, end the grotesque EB-5 program, and require labor certification reviews. This urgently needed next step would show the American people that their president is fighting to defend their wages, protect their opportunities, and secure their future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Stein', written in a cursive style.

Dan Stein
President

CC:

The Honorable Eugene Scalia
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