

General H-2 Points

- The funding bill for the Department of Homeland Security includes two harmful provisions that would bring in more unskilled guest workers.
- The Fiscal Year 2024 Homeland Security Appropriations bill would undermine the temporariness of our guestworker programs and would expand the scope of industries that are eligible to participate. These programs should only be used when not enough U.S. workers can be found.
- The two problematic provisions in the bill would:
 - Dramatically expand the types of jobs low-skilled agricultural guest workers can perform in FY24 by allowing an unlimited number of H-2A visa holders to enter and work in year-round agricultural jobs, not seasonal or temporary agricultural jobs as under current law.
 - Dramatically expand the number of unskilled guest workers permitted through the H-2B program (which covers all labor sectors), by exempting “returning workers” from the annual numerical limit for the program in FY24.
- These two provisions – on their own – are harmful to American workers. But, combined with the mass illegal immigration surge at the border, they can inflict long-term damage to our labor force.
- Over the past two years, more than 8.6 million illegal aliens have poured across our southern border, and many have received work authorization through parole or simply by filing asylum applications.
- According to a May 18, 2023 report on labor force characteristics by the Bureau of Labor Statistics (BLS), foreign-born workers accounted for 18.1 percent of the U.S. labor force in 2022.
 - 2022 was a record-breaking year for foreign-born workers, their participation was the most in 27 years.
 - Foreign-born men continued to participate in the labor force at a considerably higher rate in 2022 (77.4 percent) than their native-born counterparts (66.0 percent).
- According to BLS statistics, over 1.2 million native-born Americans lost jobs from July to August 2023. However, over the same period, nearly 700,000 new jobs went to foreign-born workers and boosted foreign-born employment to a record high.
- The federal government currently has a caseload of 1.5 MILLION pending applications for work authorization. Many, if not most of those, will be from illegal aliens eligible for work authorization through the Biden Administration’s outrageous and damaging immigration policies.
- Bringing in more guest workers on top of these illegal aliens will oversaturate the American economy with unskilled guest workers. The result will be depressed wages and working conditions, which only makes it harder for American workers to remain in those jobs.
- The Biden Administration’s open-border policies have created a crisis at our borders. Our country’s workforce is competing against a mass influx of unskilled foreign workers who entered the country illegally but have received work authorization through parole or by filing asylum applications.

- Rapidly processing more foreign workers into the U.S is not a solution; it only perpetuates a cycle that depresses wages and makes it harder for American workers to survive in those sectors.

H-2A Points

- Despite the fact that the H-2A program is numerically uncapped, the American farm lobby continues to complain about the lack of workers in the U.S. Some complain that the using the program is a burden, thus bypass it entirely in favor of simply hiring illegal aliens who are readily available.
- Agriculture is a unique industry in which foreign-born workers outnumber American workers, primarily because the utilization of H-2A workers (and illegal aliens) pushes down wages and discourages Americans from taking those jobs.
- Agriculture companies and employers continuously call for the H-2A visa to cover more and more industries – such as dairy or shepherding – which are not seasonal or temporary.
- As more and more industries fall under the umbrella of the H-2A due to creative lobbying from their powerful trade groups, fewer Americans will find work in these industries.
- The reliance on unlimited guestworker programs and illegal aliens prevents American agriculture from developing and adopting labor-saving automation technology that reduces the need for foreign labor.
- This mechanization would lower the cost of produce for American consumers, provide more innovation opportunities for American STEM workers, and ensure that American farming is fully taking advantage of 21st century technology rather than antiquated harvesting practices.
- The H-2A program is a program with no real purpose in a 21st century economy and should be ended. It prevents American farms from adopting labor-saving technology already widely used by farmers throughout Europe and Asia. Worse, it exploits the farmworkers who sign up for the program and exposes them to horrific working conditions by unscrupulous employers who take advantage of them.
- Congress and the President must work together to end this exploitative program and develop creative ways to encourage the adoption of 21st century farming technology.

H-2B Points

- Congress has capped the H-2B program at 66,000 workers per year. Recently, however, under authorization and pressure from Congress, the DHS Secretary has increased the annual cap for the program by tens of thousands of workers.
- Employers frequently hire H-2B workers at wages significantly lower than Americans in the same fields. Both the Economic Policy Institute and the Center for Immigration Studies found that H-2B workers routinely earn less than Americans. In some cases, H-2B workers earned 18 to 23 percent less than Americans in the same roles.
- The H-2B program was meant to be temporary in nature, and only when insufficient U.S. workers were available. Yet foreign workers routinely take jobs at hotels, resorts and in construction and landscaping. According to DHS, H-2B workers are also employed as dental assistants, camp cooks, carpenters, electricians, and bakers.

- The same nationalities that make up 90 percent of H-2B workers are also the same nationalities that have been illegally crossing the southern border. The top five H-2B visa issuance countries in FY 2022 were:
 - Mexico – 67.8 percent
 - Jamaica – 10.3 percent
 - Guatemala – 5.0 percent
 - Honduras – 3.6 percent
 - El Salvador – 3.4 percent
- Instead of hiring full-time Americans to work in these roles, employers routinely abuse the H-2B program to save money and bypass government red tape. Subsequently, employers whose needs are truly temporary (such as fish cutters, etc.) lose out on capped H-2B workers, defeating the purpose of the program to match temporary labor with those businesses.
- The H-2B program displaces large swaths of Americans willing to take advantage of entry-level jobs, such as students on summer break or those who have recently lost their jobs and urgently need stop-gap employment.²
- The H-2B program (coupled with the presence of unskilled illegal aliens) depresses wages and reduces opportunities for fellow citizens who benefit most from a tight labor market – and for whom employment brings about immeasurable societal benefits.
- Wages paid to H-2B workers should never be lower than they are for American workers the prevailing wage estimates for the program must be reviewed.
- Landscapers and custodial groups do not need a guestworker program when there are businesses that are legitimately operating on a temporary basis in need of labor.