

Jobs Americans Can't Do If the Senate Gives Them Away

Importing cheap labor legally

- H-2B visas are for temporary or seasonal non-agricultural, unskilled workers. Employers who want to hire H-2B workers must obtain a labor certification from the Department of Labor (DoL) stating that qualified American workers are not available to fill the jobs. Unfortunately, the “certification” process is less certification and more rubber stamp, since DoL is not permitted even to verify the truthfulness of the information on petitions. If the employer filled in all the blanks, DoL approves the petition.
- H-2B visas were created so that employers could fill temporary labor shortages until U.S. workers can be found. Employers of H-2Bs are required to look for American workers first, but the requirements for advertising job openings are minimal. At the least, employers should be required to post job openings on an internet-based system like DoL’s “America’s Job Bank.”
- Since H-2B visas are renewable for up to three years and family members are allowed to accompany the workers, these visas often end up providing semi-permanent residency. After three years, the foreign worker and his family must go home for six months before returning for up to three more years.
- The United States economy is not facing a shortage of unskilled workers; in fact, it has an oversupply:
 - 14 million Americans are unable to find full-time jobs in the current economy (Bureau of Labor Statistics—BLS);
 - The unemployment rate among the 12 million American adults who do not have a high school diploma is almost 9 percent (BLS);
 - An astonishing 40 percent of working-age African-American men are unemployed (BLS); and
 - "The percentage of 16- to 19-year-olds holding jobs in the United States is the lowest it has been since the government began tracking statistics in 1948" (Prof. Andrew Sum, Center for Labor Market Studies, Northeastern University).

- Despite the claims of industry lobbyists, the jobs H-2Bs are taking are not jobs “Americans won’t do.” As these statistics show, Americans are doing them:
 - 79 percent of the 23 million workers in service jobs are native-born Americans;
 - 81 percent of the six million workers in construction jobs are native-born Americans;
 - 77 percent of the 10 million workers in production jobs are native-born Americans.

Cheap labor by the numbers

- Current law caps the annual number of H-2B visas that may be issued at 66,000. The number of H-2B visas issued each year grew from under 16,000 in 1997 to almost 80,000 in 2003, the first year the cap was reached (and exceeded). The majority of H-2B workers are imported to work in landscaping, winter and summer resorts, construction, and forestry.
- Under the law, all 66,000 visas are made available at the beginning of each fiscal year. Winter employers have no trouble importing H-2Bs, but the visas are used before the summer employers have a chance at them. The answer to this problem is not to increase the cap, but rather to make half the total number of visas available every six months. Despite the dire warnings that “summer would be lost,” however, last year proved that employers manage to find U.S. workers when they have to, even if it means paying a livable wage.
- At least 40 percent of the illegal-alien population came to the United States on a temporary visa, like the H-2B, and then overstayed after the visa expired. Congress should not even consider increasing the numbers of temporary visas until DHS has fully implemented an entry-exit system, based on biometric identifiers, to ensure that visa holders leave the United States when their visa expires. Otherwise, Congress will simply be facilitating illegal immigration.