

THE WALL STREET JOURNAL.

U.S. IS LIKELY TO ADD ABOUT 15,000 WORK VISAS THIS SUMMER

Demand for seasonal H-2B visa vastly outstrips the number allowed by law; Congress gave Homeland Security secretary authority to add more

By Laura Meckler
May 10, 2018

WASHINGTON – The Trump administration is expected to make about 15,000 additional H-2B visas available for low-skilled foreign workers this summer, a modest supplement to the popular program, lawmakers and aides familiar with the planning said.

The number of visas available each year is capped by statute at 66,000, evenly divided between the summer and winter seasons. Congress declined to lift that cap during negotiations this spring. It did, however, give the secretary of Homeland Security authority to issue up to 69,000 more this summer if she determines there is sufficient need.

A range of businesses – including fisheries, landscapers and those in summer tourist spots – have been waiting to see if Secretary Kirstjen Nielsen will use that authority.

Ms. Nielsen hasn't made her intentions known publicly but has told several members of Congress that she plans to issue an additional 15,000 visas. That is the same number of additional visas that DHS approved last year when Congress punted the matter to the agency. Ms. Nielsen has promised lawmakers to announce her decision soon.

Rep. Andy Harris (R., Md.), who is concerned about the need for visas among Maryland crab processors, said Ms. Nielsen told him to expect about 15,000 additional visas. An aide to another GOP member of Congress said he was told the same.

Mr. Harris said he had hoped for a higher number but also said the need for additional visas drops as the season progresses. "At some point, you have diminishing returns," he said.

Last year, about 12,300 additional visas were awarded. Supporters of the program say the full 15,000 weren't claimed because the visas weren't available until late July, when the summer season was well under way, and because of strict rules that businesses needed to meet.

Those same rules are expected to govern the additional visas this year, people familiar with the planning said. To qualify, applicants must attest that their businesses would be likely to suffer "irreparable harm" without the foreign workers.

The program is popular with businesses, including some of President Donald Trump's properties, who say they can't find sufficient workers, particularly when unemployment is at 3.9 percent, the lowest since 2000. But it is opposed by critics, including some in the administration, who say foreign workers drive down wages and take work from Americans.

Ms. Nielsen has been heavily lobbied by members of Congress to increase the number of visas, including at a Senate hearing on Tuesday.

Sen. Lisa Murkowski (R., Alaska) said that in her home state, fisheries, which are heavy users of the program, are in desperate need of a decision within a week in order for the companies to have workers in place for the summer fish run.

"We are in a situation where, once again, our processors aren't able to be on the ready to receive the fish when they hit. We can control lots of things. We cannot control when the fish come," she said. "We are asking you, urging you, politely and then forcefully, to address this very, very quickly."

Sen. Jeanne Shaheen (D., N.H.) said that businesses in her state can't find workers and that last summer, restaurants closed on certain days because they didn't have enough workers.

"What can I tell these businesses who are desperately calling to say what are we going to do about workers?" she asked.

Ms. Nielsen replied that she has to consider the needs of the companies but also "make sure Americans who need jobs have them."

She also asked that Congress set the cap for visas in law rather than give her the power to decide it so there isn't uncertainty about how many will be available. "It's the only thing that's fair to these companies," she said.

There is some discussion in Congress about overhauling the program to tighten the rules and increase the number of visas available, aides said. An arrangement like that was considered as part of a large spending bill that passed Congress in March, but it fell apart. That is partly because Democrats were unwilling to pass a pro-business immigration provision at a time when Congress was failing to protect hundreds of thousands of young undocumented immigrants brought to the U.S. as children, known as Dreamers.

For this summer season, businesses filed requests for more than 81,000 workers with the Labor Department on Jan. 1, the first day possible, a record. Through April 28, requests for a total of 98,632 workers were received. Many firms tried to file applications after midnight on New Year's Eve to be near the front of the line. But this year, for the first time, DHS conducted a lottery among early applicants to pick winners, saying it was only fair given the crush of demand.