

Congress of the United States
Washington, DC 20515

April 6, 2004

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We seek your immediate assistance in averting a situation that has the potential to negatively impact thousands of American businesses and jobs this summer. In anticipation of congressional action on legislation to address the H-2B visa shortage for Fiscal Year 2004, we ask for a temporary emergency order calling upon U.S. Citizenship and Immigration Services (USCIS) to resume processing of H-2B visa petitions. While we understand Congress must act before additional H-2B visas are issued, we are requesting your assistance to ensure that USCIS is prepared to begin issuing approved H-2B visas to fill critical labor needs by the start of the summer work season.

Statutorily capped at 66,000, the USCIS stopped accepting petitions for H-2B visas in early March of this year. Because the program is first-come first-serve, and regulations do not permit a petitioner to submit applications more than 120-days in advance of when they need workers, the end result is winter industries were able to obtain the workers they needed, while summer industries were left without an option to match their labor needs. Industries impacted include: the tourist and resort industry along much of the East Coast, the Upper Midwest, and the Rockies, the fishing industry in Alaska, catfish and timber industries in Louisiana, crab processors in North Carolina, and the shrimp industry in Texas.

The number of H-2B visas issued has risen steadily since 1993. Yet, late last fiscal year was the first time USCIS or its predecessor stopped accepting petitions for H-2B visas because of the cap. This year, that cap was met more quickly than anticipated.

With limited time remaining before the summer work period begins, and taking into consideration the length of time required to process worker petitions, we are seeking your assistance in directing USCIS to accept and process H-2B visa petitions beyond the 66,000 cap while Congress enacts legislation on the H-2B visa issue. Legislation has been introduced in both the House and Senate to address the visa shortage. We are deeply concerned, however, that legislation will not be enacted and signed into law in time to allow for the time needed to process these petitions.

Time is short and industries across the nation are facing the prospect of either not operating or scaling back operations for the summer. They need to make decisions on stocking up supplies or canceling orders. While the visas requested are for temporary foreign labor, these industries employ hundreds of thousands of Americans that will be directly impacted if these visas are not available, not to mention the non-direct impact on support industries. We, therefore, respectfully request your assistance with this problem to provide America's workers and companies the time and assurance they need for this summer's work season and to further the United States' economic recovery.

Sincerely,

Tom Pendergast

Wicki Reblak

Fred Stinson

Annem Collins

Georg Allen

John Gregg

John E. Sumner

Jim Jeffords

Don Young

Wayne T. Gilchrist

Chris Van Hollen

Lois Loh

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Joe Bradley

Olympia Snowe

Madeline Bordallo

cc: The Honorable Tom Ridge
Secretary, Department of Homeland Security

Co-signers

1. Senator Lisa Murkowski
2. Representative William Delahunt
3. Senator Ted Stevens
4. Senator Susan Collins
5. Senator George Allen
6. Senator Judd Gregg
7. Senator John Sununu
8. Senator Jim Jeffords
9. Representative Don Young
10. Representative Wayne Gilchrest
11. Representative Chris Van Hollen
12. Representative Solomon Ortiz
13. Representative Jeb Bradley
14. Representative Madeleine Bordallo
15. Senator Olympia Snowe