



FOR IMMEDIATE RELEASE
January 8, 2009

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MIKULSKI, CARDIN AND KRATOVIL TO FEDS: H2B EMPLOYERS NEED YOUR HELP

WASHINGTON, D.C. – Noting that the U.S. Citizenship and Immigration Services (USCIS) has already received enough applications to exceed the cap for H2B visas for the second half of fiscal year 2009, **Senator Barbara A. Mikulski (D-Md.), Senator Benjamin L. Cardin (D-Md.) and Congressman Frank M. Kratovil, Jr. (D-Md.)** urged the Department of Labor and the Department of Homeland Security to use all means necessary to protect small businesses throughout the country so they can keep their doors open this year.

“Small businesses need us to be on their side,” **Senator Mikulski** said. “Companies in Maryland and around the country are unable to get the H2B visas, and workers, that they need and depend on because of bureaucratic slowdowns. Small and seasonal businesses are counting on us. We need this problem resolved quickly so we can reward people who are playing by the rules, instead of letting them down.”

Senator Cardin said, “Businesses nationwide rely on the H-2B visa program for a legal source of seasonal labor. This cap will have a profound effect on many Maryland industries, particularly seafood and landscaping companies. I urge the Department of Labor and Department of Homeland Security to find a fair and equitable solution that will help employers who have played by the rules remain open and viable.”

Representative Kratovil said, “The natural wealth of the Chesapeake Bay is the engine that drives our local economy. Allowing bureaucratic delays to effect an economy that is already hurting would do my constituents and their families an injustice and lead to further American job loss. Through no fault of their own, small businesses will not be able to employ the seasonal employees that they need to survive and prosper. Everything in your power must be done to ensure local business have the workers they need to succeed, especially in the current environment. ”

The *Save Our Small and Seasonal Businesses Act*, signed into law by President Bush in May 2005, made significant changes to the federal H2B (non-skilled seasonal worker) visa program. Among the changes, it exempted returning seasonal workers from counting against the national cap of 66,000 people. This provision, however, was not made permanent in the 2005 bill, and has to be extended each year until Senator Mikulski’s proposal to make it permanent is passed into law. A last-minute, one-year extension was included as part of the 2007 Department of Defense authorization bill, but it expired on September 30, 2007.

The text of the letter is below:

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Dear Secretary Chao and Secretary Chertoff,

The H2B program is critical to our constituents and the economy in our state, cities, and towns. Our goal is to make sure this program works for American workers, employers who play by the rules, and immigrants who want to come to our country legally and contribute to our economy.

Today, the Department of Homeland Security announced that the H2B cap for the second half of the fiscal year has been reached and that it will not accept petitions that are filed with USCIS if the start date is prior to October 1, 2009. While we understand that the cap limitation is statutory, we are concerned that delays in processing labor certifications have unfairly hurt our constituents. We are writing to request you find a fair solution for the good faith employers who filed their applications for labor certifications on time and followed Department of Labor guidelines, but whose certifications were not processed in a timely fashion because of bureaucratic delays outside of their control.

We know you are both aware the Department of Labor has had serious problems processing foreign labor certifications and that delays have resulted in precluding employers from being eligible to apply for H2B visa with the Department of Homeland Security. As a result of this backlog, and through no fault of their own, many employers who followed the rules may not get the workers they need this season. Without these seasonal workers, these small businesses may be forced to close their doors.

We shouldn't let bureaucratic delays threaten American jobs in this extremely difficult economy. Please consider all options at your disposal to help H-2B applicants who are relying on these visas to keep businesses alive.

We thank you for your attention in this matter and look forward to your response.

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