AMERICAN IMMIGRATION LAWYERS ASSOCIATION

June 29, 2015

Adele Gagliardi
Administrator, Office of Policy Development and Research
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue NW
Room N-5641
Washington, DC 20210

Submitted via www.regulations.gov

DHS RIN 1615-AC06 and DOL RIN 1205-AB76
Docket ID No: ETA-2015-0005-0001

Re: Interim Final Rule, "Temporary Non-Agricultural Employment of H-2B Aliens in the United States"

Dear Sir or Madam:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the DHS and DOL joint interim final rule (IFR), "Temporary Non-Agricultural Employment of H-2B Aliens in the United States," published in the Federal Register on April 29, 2015.

AILA is a voluntary bar association of more than 14,000 attorneys and law professors practicing, researching and teaching in the field of immigration and nationality law. Since 1946, our mission has included the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on the IFR and believe that our members' collective expertise and experience makes us particularly well-qualified to offer views on this matter.

Overview of the H-2B Program

The H-2B temporary worker program allows U.S. employers to bring foreign nationals to the United States to fill temporary nonagricultural jobs.[1] The employer's need is deemed "temporary" if it is a one-time occurrence, a seasonal need, a peak-load need, or an intermittent need.[2] The employer must demonstrate that there are no qualified U.S. workers who are able,

[1] INA §101(a)(15)(H)(ii)(b).
[2] 8 CFR §214.2(h)(6)(ii)(B).

AILA National Office
1331 G Street NW, Suite 300, Washington, DC 20005
Phone: 202.507.7600 I Fax: 202.783.7853 I www.aila.org

willing, and available to take the job and that employment of the H-2B worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.[3] Toward this end, the employer has historically been required to obtain a temporary labor certification from DOL and file it with Form I-129, Petition for a Nonimmigrant Worker, with U.S. Citizenship and Immigration Services (USCIS).[4] H-2B admissions are capped at 66,000 per fiscal year, with 33,000 allocated to each half of the fiscal year.[5] H-2B status is available only to nationals of countries designated by the Secretary of Homeland Security.[6]

Evolution of the Temporary Labor Certification Process

Prior to 2009, a temporary labor certification application was filed on Form ETA 750A with the local state workforce agency (SWA) in the area of intended employment.[7] The SWA directed the employer's recruitment campaign, advised the employer on the appropriate wage, and referred qualified candidates to the employer. The employer prepared a report summarizing the results of its recruitment efforts and providing the lawful job-related reasons for rejecting any of the referred U.S. workers. Once the SWA completed preliminary processing, the application was forwarded to the DOL regional office for a final determination.

On December 19, 2008 (effective January 18, 2009), DOL published a final rule implementing an attestation-based process for H-2B temporary workers which required the employer to test the labor market and recruit U.S. workers before filing a new Form ETA 9142 directly with DOL.[8] DOL also assumed responsibility for prevailing wage determinations, and implemented post-adjudication audit and civil penalty procedures as enforcement mechanisms. By removing the SWA from the labor certification process, DOL sought to modernize, streamline, and simplify the temporary labor certification process.

On August 30, 2010, the U.S. District Court for the Eastern District of Pennsylvania in *Comite´ de Apoyo a los Trabajadores Agricolas (CATA) v. Solis*, invalidated various provisions of the 2008 final rule,[9] and a March 18, 2011 notice of proposed rulemaking eventually culminated in the 2012 H-2B final rule.[10] However litigation surrounding the H-2B program continued not only in the *CATA* case but in several other cases as well, including *Bayou Lawn and Landscape Services* in the Northern District of Florida.

As a result of a court injunction against the DOL prevailing wage rule (20 CFR §655.10), DOL and USCIS temporarily ceased processing H-2B applications in March 2013. This interruption, which occurred at the peak of H-2B season and lasted more than a month, severely disrupted the ability of businesses to timely hire seasonal staff and meet contractual obligations. On April 24, 2013, DOL issued an interim final rule rewriting 20 CFR §655.10 to discard the previously used

[3] 8 CFR §214.2(h)(6)(i)(A).
[4] 8 CFR §214.2(h)(6)(iii)(A).
[5] INA §§214(g)(1)(B), (g)(10).
[6] 8 CFR §214.2(h)(6)(i)(E).
[7] *See generally*, General Administrative Letter (GAL) 1-95; 60 Fed. Reg. 7216 (Feb. 7, 1995).
[8] 73 Fed. Reg. 78020 (Dec. 19, 2008).
[9] Civil No. 2:09–cv–240–LP, 2010 WL 3431761 (E.D. Pa. Aug. 30, 2010).
[10] 77 Fed. Reg. 10038 (Feb. 21, 2012). Note: AILA submitted comments to the March 18, 2011, Notice of Proposed Rulemaking on May 17, 2011, outlining many of the same concerns included herein.

four tier PWD scheme and implement a single arithmetic mean PWD for each H-2B related O*Net job classification.[11]

As a result of *Bayou Lawn and Landscape Services*, the 2012 H-2B rule was enjoined and never went into effect. Shortly thereafter, litigation seeking to enjoin the then-in-effect 2008 H-2B rule was brought in *Perez v. Perez,* also in the Northern District of Florida. Applying the reasoning in *Bayou,* the *Perez* court enjoined the 2008 H-2B rule on March 4, 2015.[12]

Lacking any process by which to implement the H-2B program as provided for in the Immigration and Nationality Act (INA), DOL, and shortly thereafter USCIS, announced the suspension of all H-2B processing. This disruption was given temporary reprieve by a subsequent emergency stay of the injunction, and on April 29, 2015, DHS and DOL issued the joint IFR that is the subject of these comments.[13] As noted in the Executive Summary of the Federal Register notice, the IFR is, in many key respects, very similar to DOL's 2012 final rule, with some variations as will be discussed below.

AILA's Overarching Concerns for a Successful H-2B Program

In order for the H-2B program to play a meaningful role in the provision of seasonal and temporary staffing to U.S. employers as contemplated under the INA, and for the H-2B program to remain a viable component of the economic recovery of the United States, DOL and DHS should implement its regulations and policies with a careful eye to the following concerns:

- The H-2B program should ensure H-2B workers have access to the same federal and state worker rights and protections currently enjoyed by domestic U.S. workers.
- The H-2B program should be implemented in a manner that is streamlined and easily accessible by both small and large employers and which does not require employers to incur unnecessary legal and transactional costs that would place the program out of the reach of smaller employers.
- The H-2B program should be implemented in a manner that is predictable and governed by a regulatory scheme that is easily understood and which employers can rely upon throughout the entire H-2B employment cycle—from recruitment, through the DOL/USCIS application process, to actual employment of the H-2B workers.
- The H-2B program should acknowledge that the ability to access a seasonal foreign workforce through a process that is reliable and predictable is of vital importance to the continued success not only of employers, but also of the many domestic businesses and U.S. employees who rely on these employers for their livelihoods.
- H-2B program rules must be sufficiently flexible to accommodate the day-to-day realities of most seasonal, peak load, or intermittent employment needs. The legitimate business needs of most H-2B employers are frequently subject to the vagaries of weather and other unpredictable inputs. Consequently, a regulatory definition of seasonal, peak load, or

[11] 78 Fed. Reg. 24047 (Apr. 24, 2013).
[12] No. 14-CV-682 (Mar. 5, 2105)
[13] 80 Fed. Reg. 24042 (Apr. 29, 2015).

intermittent cannot be so rigid as to exclude consideration for variations normal to the industries that traditionally utilize the H-2B program.

Summary of April 29, 2015 IFR Regulatory Changes

As stated, the April 29, 2015 IFR is similar in many respects to the 2012 final rule which was never implemented but was the subject of extensive scrutiny. The agencies state that the purpose of the IFR is to improve DOL's ability to determine the propriety of an employer's application to participate in the H-2B program and to increase worker protections and employer transparency.[14] As a result, the rule would:

- Eliminate the current attestation-based process and require employers to once again conduct recruitment under the supervision of the DOL and SWAs (§655.15 and §§655.40-48).
- Require job orders to be listed with the SWA, and require employers to accept all qualified U.S. applicants referred by the SWA up until 21 days preceding the employer's date of need (§655.40(c)).
- Establish a registration process for the employer to substantiate its need for temporary workers prior to filing the application for temporary labor certification (§655.11).
- While ostensibly deferring to the DHS definition of "temporary need" set out in 8 CFR §214.2(h)(6)(ii), the IFR states that DOL will deny a request for H-2B registration (unless based on a one-time need) where the period of the seasonal, peak load, or intermittent need exceeds 9 months (§655.6).
- Add a requirement that jobs must be posted at two separate locations conspicuous to potential employees at the employer's worksite for 15 business days (§655.45(b)).
- Add a requirement that the employer may be required to provided notice of the work opportunity to "community organizations" (§655.45(c)).
- Permit the Certifying Official (CO) to require the employer to engage in additional recruitment activities where it has been determined that there is a likelihood that U.S. workers who are qualified will be available for the work (§655.46).
- Require employers to guarantee employment for a total number of work hours equal to at least three-fourths of the workdays of each 12-week period employed (§655.20(f)).
- Change the definition of full-time work from 30 hours to 35 hours per week (§655.5).
- Require employers to pay inbound transportation costs (once the employee has worked a minimum of one-half of the period of temporary need) and outbound transportation costs (if the employee works the entire time of need or is dismissed by the employer prior to the end of the stated period of need and has no immediate H-2B employment), subsistence costs, and other costs for H-2B workers and U.S. workers who do not live near the place of employment (§655.20(j)).

[14] 80 Fed Reg. at 24043.

- Require employers to include extensive information on its assurances and obligations in its advertisements (§655.18).
- Provide DOL's Wage and Hour Division (WHD) with independent debarment authority (§655.73).
- Limit the ability of job contractors to use the H-2B program (§655.6).

We are concerned that the IFR will significantly increase the complexity and costs associated with an already complicated regulatory scheme, thus making it exceedingly difficult for employers, particularly those of small to medium size, to continue to temporarily supplement their workforces with H-2B workers.

Concerns about Timing and Reinstating the Role of the SWAs – (20 CFR §655.15)

The attestation-based process was implemented in 2009 to increase program efficiencies and reduce processing delays. Prior to the roll-out of the new system, DOL struggled to meet its internal H-2B adjudication goals. By 2010, processing times for H-2B labor certifications had dramatically improved. The IFR adds an additional pre-adjudication step that will require employers to register with DOL to establish temporary need. Employers preparing to register will be forced to estimate staffing levels six to seven months in advance of the date of need for the first year of registration. Employers seeking a two and three year registration would be forced to estimate and commit to substantially the same number of workers needed and nearly the same dates of need years in advance of its actual dates of need. Such a prediction is not practical given the unpredictability of weather and other factors, as well as changes in economic conditions and business models that may occur over time. Moreover, if, for example, the dates of need change by more than 30 days of the date of need stated in the initial registration, or if the number of workers changes by 20 percent (50 percent for employers requesting fewer than 10 workers), employers will be forced to register again resulting in duplicative pre-filing adjudications.[15]

We are also concerned that DOL will not be able act on temporary labor certifications within a sufficient time frame prior to the date of need to allow employers to proceed with filing the necessary I-129 petition with USCIS, and for the H-2B employee to apply for a visa with the Department of State. In order to provide some level of expectation and assurance to employers, the regulations should be amended to require DOL to render a final decision on the labor certification at least 45 to 60 days prior to the start date. This is especially important given the additional burdens (payment of travel costs, etc.) imposed on the employer by the rule.

Definition of Terms—20 CFR §655.5

Corresponding Employment

The rule requires employers to provide U.S. workers engaged in "corresponding employment" the same benefits and protections as provided to H-2B workers.[16] Corresponding employment is defined as "the employment of workers who are not H–2B workers by an employer that has a

[15] 20 CFR §655.12.
[16] 20 CFR §655.5.

certified H–2B *Application for Temporary Employment Certification* when those workers are performing either substantially the same work included in the job order or substantially the same work performed by the H-2B workers" while excluding from the definition, two categories of incumbent employees.[17]

Absent a clear definition of the term "substantial," that provides flexibility and certainty to H-2B employers, the concept and definition of corresponding employment should be removed from the IFR. Similar to the current H-2A definition of corresponding employment, the rule adopts a broad and unworkable definition even though the language is somewhat different from that which was used in 2012 final rule. The inclusion of "or substantially the same work performed by the H-2B workers" in addition to "substantially the same work included in the job order" creates confusion and could be applied to virtually anyone in the workforce where minor duties and responsibilities cross over from position to position. When combined with other new provisions, the corresponding employment provision has the potential to place huge financial burdens on employers while exposing them to significant risk of liability due to post-certification enforcement without adequate notice.

Definition of Full-Time

The rule increases the definition of "full time" from 30 hours per week to 35 hours per week. When combined with the prevailing wage requirements, the corresponding employment requirement, and the three-fourths guarantee, this increase imposes a significant burden on H-2B employers. The definition of "full-time" should be 30 hours per week.

Definition of Job Contractor

The rule sets forth a definition of "job contractor" that purports to provide that an entity exercising some degree of supervision or control over H-2B workers could be considered a job contractor, while an entity exercising "substantial, direct, day-to-day supervision or control" would not be considered a job contractor.[18] There is room for debate over what constitutes "substantial, direct day-to-day supervision or control." For example, would an employer that determines where the H-2B workers perform services or labor each day be in "control" even if it does not have supervisory employees at the worksite? Can supervision be performed by an independent third party engaged by the employer? "Supervision" and "control" are two different terms and the word "or" suggests that proof of either may avoid a finding that the employer is a job contractor.

As a result of the ambiguity in the job contractor definition, businesses that have for many years participated in the H-2B program will be faced with uncertainty as to whether they may continue to do so. For many, future participation in the program will hinge upon DOL's interpretation of the definition. While the federal register notice provides examples where an employer in the reforestation industry would and would not be considered a job contractor,[19] considering that this

[17] *Id.*
[18] 20 CFR §655.5.
[19] 80 Fed. Reg. at 24054-055.

is a baseline eligibility issue, the agencies should provide additional examples to clarify who would be considered job contractors under the new definition.

Temporary Need—20 CFR §655.6

The rule provides, "[e]xcept where the employer's need is based on a one-time occurrence, the CO will deny a request for an *H-2B Registration* or an *Application for Temporary Employment Certification* where the employer has a need lasting more than 9 months."[20] The DHS regulations state that the period of "temporary need" will generally "be limited to one year or less, but in the case of a one-time event could last up to 3 years."[21] Moreover, the IFR retains DHS's authority to make the final determination on whether an employer's need is temporary.[22] Therefore, the IFR should be consistent with the DHS regulation and should reflect the employer's actual need (up to one year, or up to three years for one-time events) and not an arbitrary time period designed as a compliance measure. The existing debarment and fine provisions were implemented to prevent employers with permanent, year-round needs from utilizing the H-2B program. Rather than place an arbitrary limitation on the period of temporary need, the agencies should utilize these penalty provisions if they believe employers are misusing the program.

In *Matter of Artee Corp.*,[23] the legacy INS Commissioner held that in determining temporary need, "it is the nature of the need for the duties to be performed" which must be considered. Many employers have a real, confirmed temporary need of more than 9 months. Requiring employers to scale back their dates of need would severely hamper many businesses who depend each year on the H-2B program. Moreover, in the 2008 final rule, DOL engaged in a lengthy discussion on the meaning of temporary need, and came to the conclusion that a temporary need "could, in some cases, last more than one year."[24] The agencies have failed to explain why its view on temporary need has suddenly changed or why reducing the period of temporary need by 1 month makes a measurable difference in program compliance. The provision permitting peak load and seasonal needs of up to ten months should be reinstated.

Finally, the agencies have added what appears to be a "savings clause," as §655.6(d) acknowledges that DHS has the authority to make the final determination of whether an intending employer's need is in fact temporary in nature. However, this provision is meaningless inasmuch as an employer will have no ability to seek redress from a DHS interpretation of its legitimate need if it is rejected by DOL at the pre-registration stage.

Pre-Registration of H-2B Employers—20 CFR §655.11

The IFR bifurcates the DOL application process into (1) a registration phase for the employer to substantiate its need for temporary workers; and (2) an application phase to test the labor market.[25] If approved, registrations may be issued for up to three years for the designated

[20] 20 CFR §655.6(b).
[21] 8 CFR §214.2(h)(6)(ii)(B).
[22] 20 CFR §655.6(d).
[23] 18 I&N Dec. 366, 367 (Comm. 1982).
[24] 73 Fed. Reg. at 78026.
[25] 20 CFR §655.11.

occupation in the area of intended employment. If registration is denied, the employer may request administrative review within 10 days of the denial.

At the outset, bifurcating the DOL step in the H-2B application process will add significant barriers to the program. While the agencies suggest that pre-registration *may* be issued for up to three years at a time "thereby shortening the employer's certification process in future years,"[26] the agencies offer no guidance as to when DOL will consider a three year registration approval as opposed to a shorter time period. Additionally, as stated above, even a three year registration will be problematic and burdensome to the employer inasmuch as only very minor amendments to the total period of employment listed on the Application for Temporary Employment Certification and job order are permitted.[27]

The implementation of a registration phase will have the effect of usurping the role of USCIS as primary adjudicator of H-2B matters. Although the INA requires USCIS to consult with DOL in adjudicating H-2A petitions, there is no similar statutory requirement that USCIS consult with DOL on H-2B petitions.[28] Instead, DOL's role in the H-2B process has evolved over the years as a result of legacy INS's and USCIS's recognition of DOL's expertise in labor market matters. This expertise does not extend to determining whether the employer's need is temporary. By preventing employers that DOL has determined do not have a temporary need from filing a labor certification, USCIS is effectively removed from the process. This departure from previous practice gives DOL a final adjudicatory role that Congress did not intend. Moreover, by forcing employers to engage in the registration process and appeal if denied, DOL has added an additional layer of bureaucracy to the H-2B process which will cause unnecessary delay.

The rule would also require employers that file an H-2B registration to retain all records for a period of three years even if the registration is denied or withdrawn.[29] However, there are many legitimate business reasons as to why an employer's situation could change following denial or withdrawal of a registration. To hold employers accountable for past unsuccessful applications when determining whether they now have a temporary need is unnecessary and will lead to delays. Further, reliance on a prior denial, where the employer is simply trying to correct an error from the previous registration is unfair and overreaching.

Use of Registration of H-2B Employers—20 CFR §655.12

The IFR states that upon approval of a registration, the employer will be permitted to file an application for temporary labor certification for the duration of the registration's validity period (up to three years), unless there is a significant change during that time.[30] While we applaud the agencies' efforts to permit the validity of a registration for up to three years, we again emphasize our concern that the IFR is stripping USCIS of its role as the final adjudicator of H-2B matters.

[26] 80 Fed Reg. at 24043.
[27] 20 CFR §655.35
[28] INA §214(c)(1).
[29] 20 CFR §655.11(i).
[30] 20 CFR §655.12.

Assurances and Obligations of H-2B Employers—20 CFR §655.20

Three-Fourths Guarantee

Similar to the H-2A program, the IFR requires employers to guarantee workers a total number of work hours equal to at least three-fourths of the workdays in each 12-week period beginning with the first workday after arrival at the place of employment, or the advertised first date of need, whichever is later.[31] The CO may terminate the employer's obligations under this section if "the services of the worker are no longer required for reasons beyond the control of the employer due to fire, weather, or other Act of God or similar unforeseeable man-made catastrophic event (such as an oil spill or controlled flooding) that is wholly outside the employer's control that makes the fulfillment of the job order impossible...."[32] However, the IFR fails to recognize the impact of domestic and international economic factors which can be equally unforeseeable. The rule should therefore be amended to provide relief to employers whose businesses are impacted by unexpected economic developments that like Acts of God or other catastrophic events are beyond their control.

Employer-Conducted Recruitment—20 CFR §655.40

Under 20 CFR §655.40(c), employers must continue to accept referrals of U.S. job applicants "until 21 days before the date of need." Additionally, under 20 CFR §655.16(d) the SWA work order must remain open for the entire time period specified in 20 CFR §655.40(c) (i.e. until 21 days prior to the date of need). The agencies state:

> [I]n most cases, the job order will be posted for at least 54 days, since the interim final rule requires the employer to file its application no more than 90 calendar days and no less than 75 calendar days before its date of need and the SWA to post the job order upon receipt of the Notice of Acceptance and to keep the job order posted until 21 days before the date of need....[33]

The 21-day requirement raises a number of problems. First, a 21-day turnaround time for employers to arrange travel and housing for H-2B workers is insufficient. Second, if an employer accepts a last-minute U.S. worker referred by the SWA, and that worker either fails to show up or quits within the first week, the employer may have lost the opportunity to employ the H-2B worker and will incur significant delays and financial hardships if it is required to begin the H-2B process anew. H-2B numbers are likely to be exhausted by the time a last minute U.S. applicant ends up abandoning the position mere weeks after the commencement of the employment term.[34]

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[31] 20 CFR §655.20(f).
[32] 20 CFR §655.20(g).
[33] 80 Fed. Reg. 24061.
[34] The IFR allows for a request for determination based on the non-availability of U.S. workers. 20 CFR §655.57. However, in the H-2B context this provision is meaningless because of the H-2B cap which in many cases will have been reached by the time a redetermination is issued.

Employers must be able to reasonably rely on the availability of workers in order to plan future operations. Moreover, the rule provides little protection for the H-2B worker who has relied on the promise of a job, and may have already obtained a visa from the U.S. consulate. Similar to the U.S. employer, the H-2B worker would be forced to start the process with another employer if he or she is able to find one. As an alternative to the 21-day rule, the agencies could mandate that the job order remain open for 30 calendar days (up from the current requirement of 10 days), which would satisfy the agencies' desire to ensure that unemployed U.S. workers receive adequate notice of H-2B job opportunities while not placing an unnecessary burden on H-2B employers and minimizing hardships to affected H-2B workers.

Newspaper Advertisements—20 CFR §655.42

In its attempt to justify the requirement that the employer place two advertisements (one on a Sunday) in a newspaper of general circulation in the area of intended employment,[35] DOL states that "[n]ewspapers of general circulation remain an important source for recruiting U.S. workers."[36] In addition to the standard ad content, the rule requires all advertisements to include: a statement referring to the three-fourths guarantee, a statement that inbound and outbound transportation and subsistence costs will be provided, a statement that tools, supplies, and equipment will be provided, and a statement that daily transportation will be provided (if applicable).[37]

We submit that DOL has once again failed to take the opportunity to move beyond newspaper advertisements as a method for recruiting American workers. Newspaper circulation has been in decline for years, as is evidenced by the overall decline in the number of print newspapers currently on the market. The decrease in newspaper readership, coupled with increased access to Internet job banks has changed the way workers look for jobs. Requiring lengthier (and significantly more costly) ads will not result in more applicants, just more funds expended by employers. DOL should focus on new electronic avenues of job notification instead of requiring employers to run expensive advertisements.

Additional Employer-Conducted Recruitment—20 CFR §655.46

The rule provides that where it is determined that there is a likelihood that U.S. workers who are qualified will be available for the work, the CO may require the employer to engage in additional recruitment activities.[38] DOL states that its intention in requiring additional recruitment, including in areas of substantial unemployment, is predicated on the belief that more recruitment will result in more opportunities for U.S. workers. The regulation states that additional recruitment "may include, but is not limited to, posting on the employer's Web site or another Web site, contact with additional community-based organizations, additional contact with State One-Stop Career Centers, and other print advertising...."[39] However, the agencies fail to articulate a clear standard for determining when additional recruitment is necessary, or the

[35] 20 CFR §655.42.
[36] 80 Fed. Reg. at 24076.
[37] 20 CFR §655.41.
[38] 20 CFR §655.46.
[39] 20 CFR §655.46(b).

specific indicators that DOL will consider when determining whether additional recruitment is required. In addition, DOL should clarify the meaning of "contact" in terms of recruiting with community-based organizations and state career centers.

Debarment—20 CFR §655.73

We oppose the extension of debarment authority to WHD as inefficient, duplicative, and unnecessary. Further, where there is no evidence of fraud or misrepresentation, debarment of an employer for a single act, rather than a pattern or practice of repeat violations, is inherently unfair and violates due process. In addition, increasing the maximum debarment period to five years based on what could be a single innocent act will result in the imposition of a disproportionate and overly harsh penalty unrelated to an alleged program violation. Concurrent debarment authority is likely to result in duplicative and inconsistent actions against an employer who may have inadvertently violated the H-2B program and in which a more appropriate remedy is available (i.e. back pay for a minor wage violation).

Conclusion

In sum, the significant and unrelenting regulatory changes that have been forced upon the H-2B program over the past several years have created tremendous uncertainty and confusion for the businesses and workers that rely on the program. This program has proven to be extremely valuable to employers who try, year after year, to hire U.S. workers to fill temporary positions without success. We appreciate the opportunity to comment on this IFR and look forward to a continuing dialogue with the both agencies on these important matters.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

AILA National Office
1331 G Street NW, Suite 300, Washington, DC 20005
Phone: 202.507.7600 I Fax: 202.783.7853 I *www.aila.org*