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President & CEO
Vanita Gupta

March 12, 2018

The Honorable Chairman Thad Cochran
Committee on Appropriations
Room S-128 The Capitol
Washington, D.C. 20510

The Honorable Vice Chairman Patrick Leahy
Committee on Appropriations
Room S- 128 The Capitol
Washington, D.C. 20510

The Honorable Rodney Frelinghuysen
Chairman, Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Nita Lowey
Ranking Member, Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Re: Opposition to any H-2 Visa Riders in FY2018 Omnibus Appropriations

Dear Chairman Cochran, Vice Chairman Leahy, Chairman Frelinghuysen, and Ranking
Member Lowey:

On behalf of The Leadership Conference on Civil and Human Rights, we write to express
our strong opposition to any poison pill riders in the FY2018 omnibus appropriations bill.
This opposition extends to riders that would make substantive policy changes to the H-2A or
H-2B guestworker visa programs. Both of these temporary visa programs need to be
significantly reformed to better protect workers, not simply expanded, and this must be
undertaken through the regular order of business and not a rushed appropriations process.

H-2A and H-2B workers are tied to their employers, and they are dependent on their
employers not just for their employment but also for their very presence in the United States.
Moreover, they are "nonimmigrants," with no pathway to immigration status or citizenship,
no matter how long they work in the United States. As a result, they are highly vulnerable to
exploitation, and reluctant to speak out against abuses.

A rider added to the House DHS appropriations bill would make the H-2A program even
more problematic than it already is, by changing the scope of the program from temporary,
seasonal jobs to year-round work. This would drastically change the nature of the program,
which has always been limited to temporary and seasonal jobs because employers who are
trying to fill year-round jobs are expected to compete for workers by offering better wages
and working conditions. Under this rider, agribusiness could turn to the H-2A program for
their labor needs, taking advantage of a perpetual source of captive workers with limited
bargaining ability, and turning away U.S. workers who are unwilling to accept the same
minimal pay and conditions being offered to H-2A workers.

Likewise, an amendment proposed by Sen. Thom Tillis (R-NC) would drastically expand the
number of visas from 66,000 to 90,000, exempt H-2B visas in disaster relief states from
counting against the cap, and make numerous other substantive policy changes that have not
been fully analyzed for their impact on immigrant or U.S. workers.



It would be particularly shameful for Congress to rush through sweeping changes to H-2 visa programs after it has repeatedly failed to take action – despite extensive debate and widespread, bipartisan support – to protect Dreamers or Temporary Protected Status recipients who are facing the looming threat of deportation, and after it has attempted to reduce categories of legal permanent resident admissions.

We urge you to oppose any H-2 visa changes in this current process. Congress must instead take up immigration reform that creates and preserves pathways to permanent immigration status, including for the undocumented and those with temporary status such as DACA, rather than simply riders that seek to expand the supply of vulnerable temporary workers. If you have any questions, please contact Rob Randhava, Senior Counsel, at (202) 466-3311.

Sincerely,

Vanita Gupta
President & CEO

Esther R. Lopez
Co-Chair, Immigration Task Force

Megan Essaheb
Co-Chair, Immigration Task Force