



Impact of H-2B Guestworkers in 2018

By Preston Huennekens

Introduction

Donald Trump won the 2016 presidential election partly because of his stance against illegal immigration. His famous campaign promise is the construction of a wall on the southern border with Mexico. As president, he also advocates for cuts to legal immigration, such as pushing to replace our current chain migration laws with a merit-based immigration scheme.¹ Trump's many critics attack his stances on immigration as racist. The UN human rights commissioner mused that his policies are fueling xenophobia.²

But there are parts of our immigration laws that the president supports, such as the H-2B program for non-agricultural laborers. In fact, Trump's resort and golf properties have used the program for years to find staff. In 2018, the Department of Labor certified 14 foreign guestworkers for employment at Trump National Golf Club. Trump praised foreign guestworker programs during his campaign.³ He insisted that "we're gonna let them in because you need them. Guestworkers, don't we agree? We have to have them."

His support extends beyond words. In both the 2016 and 2017 omnibus appropriations bills, the president signed off on giving the DHS secretary discretion to raise the H-2B visa ceiling from 66,000 to 85,000. In both instances, first under John Kelly and then under Kirstjen Nielsen, the secretary initiated the "one-time" increases.

This report examines the H-2B program and the impact of H-2B guestworkers in FY 2018, using disclosure data from the Department of Labor's Office of Foreign Labor Certification (OFLC). Wage and workforce participation data comes from the Labor Department's Bureau of Labor Statistics (BLS).

Key findings include:

- The number of certified H-2B workers has risen every year since 2013, growing by an average of 12.4 percent year-to-year.
- Guestworkers were paid less than the national average in 21 of the top 25 job categories.
- Guestworkers in the top five job categories (landscaping, forestry, housekeeping, carnival workers, and meatpacking) make up 68.8 percent of total certifications.
- 99 percent of H-2B workers took jobs with no training requirements; 97.3 percent took jobs with no education requirements.
- The top 5 states — Texas, Florida, Colorado, Louisiana, and Pennsylvania — make up 26 percent of all workers.
- Four of the top five top worksites are in Texas — Austin, Houston, Dallas, and San Antonio.

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Background

The H-2B program allows employers to hire temporary foreign workers to fill low-skill, non-agricultural, seasonal positions. The law provides for an annual cap of 66,000 visas per year, with a few exceptions. There are three steps to the H-2B process.

First, an employer petitions the Department of Labor (DOL) for a foreign labor certification. At this stage, employers apply for foreign laborers, sometimes hundreds or even thousands of them. They must show that they have a “temporary need” for these workers, that they will pay the prevailing or other appropriate wage, and that they have made some effort to recruit U.S. workers.

In 2017, the DOL approved 81 percent of all petitions for H-2B laborers, similar to the 2016 approval rate of 83 percent.

Second, the employer submits an I-129 form to U.S. Citizenship and Immigration Services (USCIS). This form is used for all types of petitions to hire temporary workers.

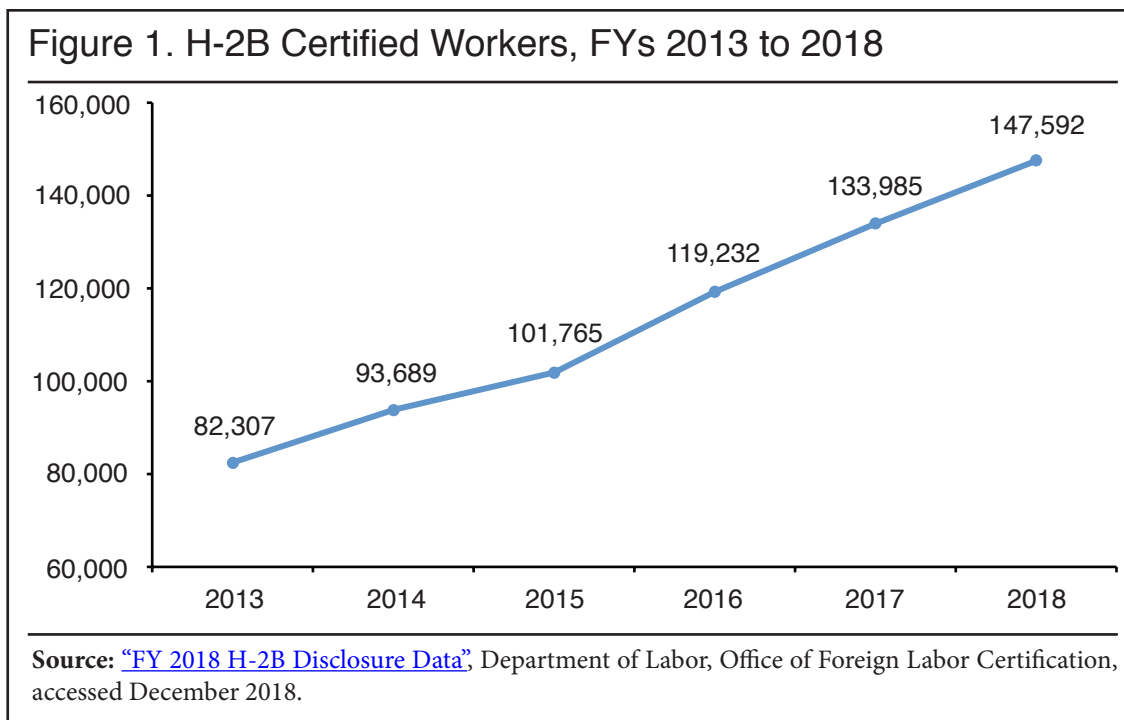
Finally, prospective alien workers apply for the H-2B visa, usually at a consulate in their home countries. They may remain for the period of stay approved in their labor certification, generally for no more than one year and in one of the two seasons. The visas are renewable.

H-2B workers generally fill positions requiring little to no education or advanced skills. A typical high school or college student could do these jobs during their summer break.⁴ The disclosure data shows that almost none of these positions require anything other than a high school degree, and even fewer require significant training.

In April 2018, the Center for Immigration Studies released an analysis on FY 2017 H-2B data showing the number of H-2B certified workers by state and by worksite, and the locations of employers of large numbers of H-2B workers and high-wage H-2B workers.⁵ A report for FY 2016 is also available.⁶ This report updates that information for FY 2018.

Number of Certified Workers Continues to Rise

In FY 2018, the Department of Labor certified 147,592 positions as eligible for H-2B workers, continuing the upward trend of the past several years. Figure 1 shows the growth in the number of H-2B certified workers since 2013.



Wage Differences

The Department of Labor creates annual Occupational Employment Statistics (OES) that measure wage and employment figures for nearly 800 job categories.⁷ These same job categories are found in the Office of Foreign Labor Certification disclosure data for the H-2B program.

When they petition for guestworkers, employers list the hourly wages for the jobs they will be doing. We can compare that wage figure (mean H-2B wage for each employment category) to the nationwide mean for the same employment category. This comparison reveals any difference in wages between guestworkers and the average wage paid for that job.

Table 1 shows that guestworkers were paid less than the national average in 21 of 25 of the top jobs certified for H-2B workers. In some cases, the differences were small, with H-2B “Nonfarm Animal Caretakers [39-2021]” being paid only 0.7 percent less than the national average. Other differences were more extreme, such as “Fishers and Related Fishing Workers [45-3011]”, who were certified at wages 31.9 percent less than the national average. Workers in each of the top five categories (totaling 68.8 percent of the total certified workers in FY 2018), were paid less than their respective national averages.

Table 1. Wage Comparison: H-2B Workers and National Average

OES Code	Occupation	Certified Workers	Mean Wage	National Mean Wage	Difference
37-3011	Landscaping and Groundskeeping Workers	67,367	\$13.27	\$14.28	-7.3%
45-4011	Forest and Conservation Workers	11,093	\$12.59	\$15.06	-17.9%
37-2012	Maids and Housekeeping Cleaners	9,207	\$11.42	\$11.84	-3.6%
39-3091	Amusement and Recreation Attendants	7,865	\$9.94	\$10.94	-9.6%
51-3022	Meat, Poultry, and Fish Cutters and Trimmers	6,011	\$10.05	\$12.71	-23.4%
35-3031	Waiters and Waitresses	4,016	\$12.56	\$12.15	3.3%
47-2061	Construction Laborers	3,802	\$15.24	\$18.70	-20.4%
35-2014	Cooks, Restaurant	2,995	\$13.00	\$12.71	2.3%
35-3022	Counter Attendants, Cafeteria, Food Concession,	2,067	\$9.89	\$10.83	-9.1%
39-2021	Nonfarm Animal Caretakers	1,968	\$12.02	\$12.10	-0.7%
53-7062	Laborers and Freight, Stock, and Material Movers,	1,913	\$13.28	\$14.28	-7.3%
45-2092	Farmworkers and Laborers, Crop, Nursery, and	1,698	\$11.42	\$12.05	-5.4%
39-9032	Recreation Workers	1,437	\$13.01	\$13.44	-3.3%
45-3011	Fishers and Related Fishing Workers	1,385	\$10.87	\$15.00	-31.9%
51-9198	Helpers--Production Workers	1,382	\$12.67	\$13.50	-6.3%
47-2051	Cement Masons and Concrete Finishers	1,181	\$18.92	\$21.87	-14.5%
35-9011	Dining Room and Cafeteria Attendants and Bartender	1,174	\$10.75	\$11.08	-3.0%
53-7064	Packers and Packagers, Hand	1,094	\$10.76	\$12.22	-12.7%
35-9021	Dishwashers	1,034	\$10.64	\$10.68	-0.4%
37-2011	Janitors and Cleaners, Except Maids and	1,006	\$13.84	\$13.41	3.2%
47-3012	Helpers--Carpenters	980	\$14.50	\$14.95	-3.1%
35-2021	Food Preparation Workers	960	\$11.60	\$11.49	1.0%
37-3013	Tree Trimmers and Pruners	919	\$16.53	\$18.55	-11.5%
47-3016	Helpers--Roofers	823	\$13.71	\$14.28	-4.1%
47-2152	Plumbers, Pipefitters, and Steamfitters	693	\$21.76	\$27.44	-23.1%

Source: “FY 2018 H-2B Disclosure Data,” Office of Foreign Labor Certification, Bureau of Labor Statistics, accessed December 2018.

Education and Training Requirements

Unlike other guestworker programs, such as the H-1B visa, employers rarely require H-2B workers to have high educational attainment or advanced skills. In fact, according to the certification data, most do not require *any* educational attainment. Further, almost no positions required formal training.

Tables 2 and 3 list the number of applications listing whether the job required a degree or additional training.⁸ In both cases, overwhelmingly, incoming H-2B workers did not need even a high school degree or any additional training to perform their jobs.

State and Worksite Totals

Table 4 shows the number of certified workers in each state. The table also includes the median wage for all H-2B workers and the labor force participation rate for each state.⁹ Table 5 lists the top 25 worksites, measured by the number of workers.

It is no surprise that Austin, Houston, Dallas, and San Antonio are all top five worksites. Texas has, by far, the highest number of H-2B laborers. Other worksites with high numbers of workers are resort towns such as Myrtle Beach, S.C., and Mackinac Island, Mich. Interestingly, employers in California are disproportionately much less likely to use the H-2B program than other states with high rates of illegal immigration, like Texas and Florida. And Saipan, in the Northern Mariana Islands (CNMI), is the second largest worksite.¹⁰ In past years, the federal government denied H-2B applications at rates close to 100 percent for the CNMI and Guam. The United States now allows for thousands of guestworkers on the islands to support military projects there.¹¹

Table 2. Education Requirements of H-2B Positions

Education Level	Applications
None	7,224
HS/GED	161
Associate's	23
Bachelor's	9
Other (JD, MD, etc.)	2
Master's	1

Source: [“FY 2018 H-2B Disclosure Data,”](#) Department of Labor, Office of Foreign Labor Certification, accessed December 2018.

Table 3. Training Requirements of H-2B Positions

Training	Certified Workers
Yes	27
No	7,393

Source: [“FY 2018 H-2B Disclosure Data,”](#) Department of Labor, Office of Foreign Labor Certification, accessed December 2018.

**Table 4. All States, by
Number of H-2B Workers**

State	Certified Workers	H-2B Median Wage	Labor Force Participation Rate
Texas	20,443	\$12.54	63.7%
Fla.	10,690	\$12.32	59.2%
Colo.	7,556	\$13.99	69.0%
La.	5,341	\$11.80	59.0%
Pa.	5,216	\$14.10	62.1%
Va.	5,173	\$12.78	65.2%
N.C.	5,129	\$11.48	61.1%
S.C.	4,984	\$10.96	57.3%
N.Y.	4,579	\$14.45	60.8%
Md.	4,439	\$13.29	67.3%
Ohio	4,158	\$13.18	62.5%
Mo.	4,151	\$13.06	68.4%
Mass.	4,138	\$14.72	67.8%
Miss.	3,713	\$12.51	56.2%
Mich.	3,395	\$12.20	61.2%
Ga.	3,362	\$12.36	63.3%
N.J.	3,338	\$14.56	62.3%
Alaska	3,246	\$14.26	65.4%
Ariz.	3,211	\$11.37	60.5%
Utah	3,025	\$13.08	68.8%
Calif.	2,924	\$13.25	62.0%
Tenn.	2,553	\$13.68	60.8%
Maine	2,414	\$11.78	63.7%
Ark.	2,349	\$11.76	57.4%
Ore.	2,333	\$12.84	62.2%
Ill.	2,043	\$14.46	64.4%
Ala.	1,983	\$11.79	57.3%
Ind.	1,970	\$12.18	65.1%
Okla.	1,795	\$11.94	61.9%
CNMI	1,644	\$15.28	n/a
Idaho	1,612	\$13.51	63.6%
Wash.	1,583	\$14.03	63.3%
Ky.	1,439	\$12.40	59.3%
Kan.	1,420	\$13.04	66.5%
S.D.	1,334	\$12.32	68.7%
Minn.	1,298	\$14.35	70.1%
Vt.	759	\$13.44	67.1%
N.D.	743	\$16.79	69.8%
Mont.	731	\$12.48	62.0%
Neb.	731	\$13.14	68.7%
N.H.	631	\$13.05	68.5%
Wyo.	592	\$13.47	64.3%
R.I.	571	\$12.98	64.9%
Iowa	553	\$14.86	68.2%
Wisc.	514	\$12.49	68.6%
Del.	497	\$13.17	62.6%
Conn.	433	\$16.40	65.7%
Nev.	386	\$13.82	62.4%
N.M.	231	\$10.73	57.8%
W.Va.	198	\$10.49	53.8%
P.R.	27	\$11.51	n/a
Hawaii	8	\$13.88	62.7%
D.C.	6	\$13.27	70.5%

Source: [“FY 2018 H-2B Disclosure Data”](#), Department of Labor, Office of Foreign Labor Certification, accessed December 2018.

[“Region, Division, and State Labor Force Participation Rates”](#), Bureau of Labor Statistics, October 2018.

**Table 5. Top 25 Worksites,
by Number of H-2B Workers**

City	State	ZIP	Certified Workers
Austin	Texas	78745	1,912
Saipan	CNMI	96950	1,644
Houston	Texas	77095	1,587
Dallas	Texas	75234	1,335
San Antonio	Texas	78247	1,292
Myrtle Beach	S.C.	29577	1,075
Mackinac Island	Mich.	49757	1,023
Phoenix	Ariz.	85044	1,008
Hickory	Miss.	39332	980
Naples	Fla.	34103	921
Morristown	Tenn.	37813	887
Sitka	Alaska	99835	846
St. Louis	Mo.	63128	823
Nantucket	Mass.	02554	810
Denver	Colo.	80223	790
Baton Rouge	La.	70816	780
Boca Raton	Fla.	33496	762
Palm Beach	Fla.	33480	753
Colorado Springs	Colo.	80921	749
Akutan	Alaska	99553	748
Aurora	Colo.	80011	740
Panama City Beach	Fla.	32413	725
Dutch Harbor	Alaska	99692	690
Charlotte	N.C.	28213	687
Elmont	N.Y.	11003	671

Source: [“FY 2018 H-2B Disclosure Data”](#), Department of Labor, Office of Foreign Labor Certification, accessed December 2018.

Conclusion

The H-2B guestworker visa is a popular program. A group of GOP senators expressed their interest in doubling the annual H-2B cap from 66,000 to 133,000, responding to persistent lobbying from employers and labor contractors who match employers with workers for a fee.¹² Since 2013, the number of certifications rose from 82,307 to 147,592. Year-to-year growth in certifications averaged 12.4 percent from 2013 to 2018.

There are many problems with the H-2B program. First is the treatment of the workers themselves. Many outlets have published reports describing the conditions employers subject their workers to. One likened the program to modern indentured servitude.¹³ Another named it as slavery.¹⁴ The poor treatment of guestworkers is an unfortunate reality that is glossed over by those pushing for expansion of the program.

Further, data shows that on average H-2B workers are paid less than their American counterparts. This inevitably leads to depressed wages for U.S. workers competing for these same jobs in the same geographic area. Many of those shut out of jobs or experiencing wage depression are less educated, less skilled Americans who are already marginalized.¹⁵ The availability of guestworkers ensures that it remains difficult for these Americans to find work. My colleague Mark Krikorian said it best:

A tight labor market is the best social policy. America wins when employers have to exert themselves to recruit and retain workers. The result is higher wages for less-skilled workers and more people drawn into the productive world of work.¹⁶

This is because the government doesn't really spend resources on the H2B program, as it is fee funded: Considering the displacement and exploitation of workers caused by this program, instead Congress should create a domestic guestworker program to facilitate the recruitment of U.S. workers for these jobs.¹⁷ Labor contractors should be incentivized to find local talent or workers from within the country for employers. The economic and social benefits could be truly transformative for the workers and the communities where the jobs are located.

End Notes

- ¹ [“President Donald J. Trump Backs RAISE Act”](#), The White House, August 2, 2017.
- ² [“UN says Trump policies are fueling xenophobia”](#), BBC, March 8, 2017.
- ³ Preston Huennekens, [“Trump Praises Guestworkers in Michigan Speech”](#), Center for Immigration Studies, May 2, 2018.
- ⁴ Steven Camarota, [“More Immigration, Less Teen Employment”](#), *National Review*, August 23, 2018.
- ⁵ Preston Huennekens, [“Maps: Impact of H-2B Guest Workers in 2017”](#), Center for Immigration Studies, April 2, 2018.
- ⁶ Jessica Vaughan and Preston Huennekens, [“Maps: 2016 Impact of H-2B Guest Workers: Jobs Americans Don’t Get to Do”](#), Center for Immigration Studies, July 17, 2018.
- ⁷ [“Occupational Employment Statistics”](#), Bureau of Labor Statistics, May 2017.
- ⁸ One application, filed by an employer, may request multiple certified workers.
- ⁹ [“Region, Division, and State Labor Force Participation Rates”](#), Bureau of Labor Statistics, October 2018.
- ¹⁰ David North, [“Thoughtful Foreign Worker Policy Is MIA in Our Pacific Islands”](#), Center for Immigration Studies, December 15, 2017.
- ¹¹ Preston Huennekens, [“Defense Spending, Guam, and H-2B Visas”](#), Center for Immigration Studies, December 14, 2017.
- ¹² Preston Huennekens, [“GOP Senators Want to Double the H-2B Cap”](#), Center for Immigration Studies, November 27, 2018.
- ¹³ Juan Arreola, [“Modern Day Indentured Servants: Guest Workers in the United States”](#), *The Durham Maroons*, March 29, 2017.
- ¹⁴ Jessica Garrison, Ben Bensinger, and Jeremy Singer-Vine, [“The New American Slavery: Invited to the U.S., Foreign Workers Find a Nightmare”](#), BuzzFeed News, July 24, 2015.
- ¹⁵ Steven Camarota and Karen Zeigler, [“There Are No Jobs Americans Won’t Do: A detailed look at immigrants \(legal and illegal\) and natives across occupations”](#), Center for Immigration Studies, August 26, 2018.
- ¹⁶ Mark Krikorian, [“Three Cheers for a Tight Labor Market”](#), *National Review*, May 25, 2018.
- ¹⁷ Preston Huennekens, [“Why Not a Domestic Guestworker Program?”](#), Center for Immigration Studies, November 6, 2018.