



Migration that Works

March 27, 2026

The Honorable Susan Collins
Chair
Senate Appropriations Committee
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Vice Chair
Senate Appropriations Committee
United States Senate
Washington, DC 20510

The Honorable Tom Cole
Chair
House Appropriations Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
House Appropriations Committee
U.S. House of Representatives
Washington, DC 20515

Dear Members of Congress,

We, the Migration that Works coalition and undersigned organizations, write to express serious concerns regarding several provisions related to the H-2 temporary work visa programs included in recent appropriations legislation related to the Department of Homeland Security (DHS) and the Department of Labor (DOL) and we urge you to reconsider inclusion of these provisions in the FY 2027 appropriations legislation.

The H-2 visa programs are deeply flawed and leave migrant workers vulnerable to exploitation and abuse. From the moment they are recruited, many prospective H-2 workers face discrimination, excessive recruitment fees, and economic coercion. Because H-2 visas are tied to a single employer, workers are often forced to choose between remaining in abusive workplaces or returning home with significant debt and no income. This structure creates conditions that can lead to wage theft, debt bondage, trafficking, and other serious labor abuses. These harms affect not only migrant workers but also U.S. workers. When employers are permitted to exploit migrant labor by offering low wages, substandard housing, or unsafe working conditions, it drives down labor standards across entire industries. A fair and functional labor migration system must protect both migrant and U.S. workers by ensuring strong labor standards and meaningful oversight. For these reasons, we urge Congress to reject several harmful provisions that would expand the H-2B program and weaken labor protections without addressing the structural flaws of the program.

Harmful Expansion of the H-2B Visa Program without Reform

The FY 2026 enacted appropriations bill included language allowing the Secretary of Homeland Security, after consultation with the Secretary of Labor, to increase the number of H-2B visas beyond the statutory cap based on the number of workers previously admitted under the returning worker program. Rather than serving as a straightforward extension of existing law, the language functions as authorizing legislation that contradicts the statutory cap. Expanding the H-2B program through appropriations riders undermines congressional intent and should not occur without meaningful reforms that address the program's well-documented problems.

Any consideration of changes to the program must include strong worker protections, such as visa portability that allows workers to change employers without risking deportation; equal treatment and visa availability for family members; equal labor protections for H-2 workers and U.S. workers; strong anti-discrimination provisions; prohibitions on recruitment fees and stronger regulation of labor recruiters; and effective enforcement mechanisms with meaningful access to remedies. Without these reforms, further expansion of the program will exacerbate existing labor abuses.

Migration that Works and the undersigned organizations also oppose amendment language proposed during the FY 2026 appropriations process that would have significantly expanded H-2 visa programs while weakening worker protections. Provisions considered in the House would have granted certain employers effectively unlimited access to H-2B visas, potentially increasing the annual number of visas from the statutory cap to well over 250,000. The proposals also would have extended H-2A visas to one year, allowing temporary visas to replace stable, year-round agricultural jobs that could otherwise support U.S. workers; shifted "mobile entertainment workers" into a separate visa category with fewer protections; and restricted the ability of the Departments of Labor and Homeland Security to enforce existing labor standards. Together, these proposals reflect a troubling trend of using appropriations legislation to expand temporary worker programs while simultaneously weakening oversight and worker protections.

DHS Report Language on H-2A Dairy Work

We are also concerned about report language directing DHS and DOL to evaluate exempting dairy industry work from the temporary or seasonal requirements of the H-2A program. The H-2A visa was designed specifically for **temporary or seasonal agricultural labor**. Allowing year-round dairy operations to access the H-2A program would fundamentally alter the purpose of the visa and extend a temporary worker program to permanent agricultural jobs. Such changes should be considered through full legislative debate, not through report language.

Harmful Department of Labor Provisions

We also strongly oppose Sections 109, 110, and 111 of the Department of Labor appropriations bill, which would weaken worker protections and create additional loopholes in the H-2B program. These provisions would create special exemptions for the seafood industry that allow

employers to bring workers into the United States long after the start date of employment; allow employers to use private wage surveys to determine prevailing wages, potentially lowering wage standards for both H-2B workers and U.S. workers; and prohibit the Department of Labor from enforcing important worker protections, including the definition of corresponding employment and the three-fourths guarantee rule, which ensure that workers receive the hours and wages promised to them. Taken together, these provisions would significantly weaken enforcement of labor standards and increase the likelihood of worker exploitation.

Rather than expanding the H-2B program without meaningful reforms, Congress should prioritize policies that protect workers and ensure that employers comply with labor laws. These reforms should include prohibiting the approval of H-2B labor certifications for employers that have violated labor or employment laws within the past five years and preventing certification of H-2B positions in regions where unemployment is 6 percent or higher. Congress should also bar labor certifications for employers found to have violated key worker protection laws, including the Fair Labor Standards Act (FLSA), Occupational Safety and Health Act (OSHA) requirements, laws prohibiting human trafficking and forced labor, wage and hour laws including prevailing wage requirements, state and local labor protections, recruitment and visa fraud rules, anti-discrimination and equal employment opportunity laws, and ERISA. These measures would help ensure that temporary worker programs do not reward employers who violate labor laws or undermine fair wages and working conditions for both migrant and U.S. workers.

In sum, Congress should not expand the H-2 visa programs through appropriations riders that weaken labor protections and undermine the statutory limits established in the Immigration and Nationality Act. Any reforms to the U.S. labor migration system must prioritize strong labor standards, fair wages, and meaningful protections for both migrant *and* U.S. workers. We urge Congress to reject the harmful provisions outlined above and instead pursue policies that strengthen worker protections, improve oversight, and ensure that temporary worker programs do not become vehicles for labor exploitation.

Thank you for your attention to these concerns.

Sincerely,

Migration that Works

AFL-CIO

American Friends Service Committee (AFSC)

Asian Law Caucus

Association of Farmworker Opportunity Programs (AFOP)

Centro de los Derechos del Migrante, Inc. (CDM)

Child Labor Coalition

Civic Empowerment Coalition

Coalición de Derechos Humanos

Coalition for Humane Immigrant Rights (CHIRLA)

Columbia Legal Services
Economic Policy Institute
FarmSTAND
Farmworker Justice
Freedom Network USA
Global Exchange
HPAE
Justice at Work
Justice in Motion
Labor Council for Latin American Advancement (LCLAA)
LatinoJustice PRLDEF
Make the Road New York
Make the Road States
National Consumers League
National Immigration Law Center
National Korean American Service and Education Consortium
National Sustainable Agriculture Coalition
North Carolina Justice Center
Organized Power in Numbers (OPIN)
Polaris
Public Citizen
Public Justice Center
Service Employees International Union (SEIU)
Sisters of Mercy of the Americas
Sur Legal Collaborative
The Workers Circle
UFW Foundation
UNITE HERE
Venezuelan American Caucus
We are CASA
Workers' Center of Central New York