

Congress of the United States
Washington, DC 20510

May 7, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Trump:

We write today regarding employment-based immigration into the United States during our country's recovery from the coronavirus pandemic. Specifically, we write to urge you to suspend all new guest worker visas for sixty days, and to suspend certain categories of new guest worker visas for at least the next year, or until unemployment has returned to normal levels. These suspensions are critical to protecting American workers as our economy gets back on its feet.

While economic shutdowns in states and localities across the country have been necessary to reduce the spread of this pandemic, the results have been devastating for businesses and workers alike. As you know, more than 33 million Americans have filed for unemployment coverage just since mid-March, and approximately one-fifth of the American workforce is currently out of work. This is a stunning difference compared with the historically-low nationwide unemployment rate of just 3.5 percent in February this year. The United States admits more than one million nonimmigrant guest workers every year, and there is no reason to admit most such workers when our unemployment is so high.

Many businesses have had no choice but to lay off their employees or shutter altogether, and it is unclear when those businesses that survived will be able to rehire their lost employees. Given the extreme lack of available jobs for American job-seekers as portions of our economy begin to reopen, it defies common sense to admit additional foreign guest workers to compete for such limited employment. Your Presidential Proclamation on April 22, 2020, suspending most immigrant visas for sixty days, is a good step in the right direction. However, our guest worker programs—which were outside the scope of that order—remain a serious threat to the U.S. labor market's recovery.

Of course, we think all Americans share the hope that our economic recovery will be swift, with Americans returning to work in massive numbers as soon as it is safe to do so. Unfortunately, it will likely take some time for most businesses to begin generating enough revenue to return to pre-pandemic levels. That is why, to protect unemployed Americans in the early stages of economic recovery, we urge you to suspend all nonimmigrant guest worker visas for the next sixty days. Exceptions to this suspension should be rare, limited to time-sensitive industries such

as agriculture, and issued only on a case-by-case basis when the employer can demonstrate that they have been unable to find Americans to take the jobs.

After sixty days, we urge you to continue to suspend new nonimmigrant guest workers for one year or until our national unemployment figures return to normal levels, whichever comes first. That suspension should, at a minimum, include H-2B visas (nonagricultural seasonal workers), H-1B visas (specialty occupation workers), and the Optional Practical Training (OPT) program (extension of foreign student visas after graduation). We also urge you to suspend the EB-5 immigrant visa program, effective immediately.

There are millions of high school and college students who, if not for the coronavirus pandemic, would be walking across a graduation stage in front of their families and friends over the next few weeks. Instead of celebrating their hard work, most will be receiving their diplomas in the mail while worrying about whether they will be able to find a job in this market. For many high school graduates and college students, they will spend the next few weeks at home making tough decisions about delaying or foregoing college this fall due to their limited family resources. There is no reason why these young people, especially, should not have access to seasonal, nonagricultural work such as summer resort employment or landscaping before those positions are given to imported foreign labor under the H-2B program.

Likewise, there is no reason why unemployed Americans and recent college graduates should have to compete in such a limited job market against an influx of additional H-1B workers, most of whom work in business, technology, or STEM fields. Temporarily suspending the issuance of new H-1B visas would also protect the hundreds of thousands of H-1B workers and their families already working in the United States—workers who could otherwise be subject to deportation if they are laid off for more than 60 days. Of course, appropriate exceptions could also be crafted to the H-1B program suspension to allow for doctors, nurses, and other healthcare professionals who wish to come to the United States to assist in combating the coronavirus pandemic.

Additionally, the United States ought to suspend its Optional Practical Training (OPT) program, which allows foreign students in the United States to extend their stay in the United States after graduation for 1-3 years to get “experience in the field” by taking jobs here in the United States. In 2019, more than 223,000 former foreign students had their OPT applications approved or extended. While the merits of such a program are subject to debate, there is certainly no reason to allow foreign students to stay for three additional years just to take jobs that would otherwise go to unemployed Americans as our economy recovers.

Finally, in regards to your Presidential Proclamation issued on April 22, 2020, we write to urge you to remove the exemption for the EB-5 program, at least until real reforms are adopted. The EB-5 program has long been plagued by scandal and fraud, and has been criticized as effectively functioning as a pay-for-citizenship scheme in many cases. There is no reason that the EB-5

program should receive preferential treatment as opposed to other green card programs for employment-based immigrants.

The coronavirus pandemic has wrought terrible damage on our country, and we will likely continue to experience the economic effects of social distancing and shutdown measures for years to come. We applaud your work to protect public health and limit the spread of the virus in the United States, and to find ways to reopen our economy safely. As we work toward recovery, we urge you to keep the American worker in mind and limit the importation of unnecessary guest workers while American families and businesses get back on their feet.

Sincerely,



Tom Cotton
United States Senator



Ted Cruz
United States Senator



Charles E. Grassley
United States Senator



Josh Hawley
United States Senator