

# ARCHER & GREINER

ATTORNEYS AT LAW

## *Immigration Client Advisory*

April 14, 2004

### **Bipartisan "Save Summer Act Of 2004" Could Save U.S. Companies**

On April 1, 2004, the Save Summer Act of 2004 was introduced in the House and the Senate. This bipartisan legislation seeks to provide an emergency, immediate increase to the number of H-2B visas available to potential workers who enter the U.S. to perform temporary seasonal essential tasks.

Traditionally, H-2B visas have been available every year to prospective employers who want to sponsor legal beneficiaries to work anywhere between one and 11 months out of the year in an industry that has been established as lacking enough U.S. workers to fill the jobs despite recruitment efforts. However, only six months into the fiscal 2004, the H-2B cap was reached. Any applications filed since that time have been rejected.

H-2B workers include restaurant, landscape and nursery, food production, fishing, hotel workers and vacation spot workers, and employees for summer camps, the horse industry and even manufacturing jobs. The Save Summer Act derives its name from the companies and industries that are either peak summer or entirely summer industries that hire temporary labor forces and collect 75% or more of their gross annual receipts during the summer months. Many of these types of businesses fear a labor crisis this summer.

Without such a fix, the shortages that American employers will experience in these industries will leave many with no option but to provide inadequate service to clients and guests, or to shut their doors due to the lack of workers. By expanding the H-2B visas available for seasonal work of this type, these industries and jobs remain in the U.S. and bring temporary legal residents to the U.S. who contribute to the U.S. economy as consumers and taxpayers.

The American Immigration Lawyers Association (AILA) has urged Congress to quickly pass the Save Summer Act of 2004 to benefit employers in this industry. Senators Kennedy (D-MA), Leahy (D-VT), Sarbanes (D-MD), Edwards (D-NC), McCain (R-AZ) and Sununu (R-NH) are just some of the U.S. senators sponsoring this legislation.

If your business has seasonal workforce issues or if you wish to discuss general immigration questions, please contact Gregory J. Palakow, Chairman of the Immigration Department, Archer & Greiner, PC at 908-788-9700.