

AGE AMERICAN GOAT FEDERATION

Dairy • Meat • Fiber
Representing ALL Goat Producers

August 28, 2020

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The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Acting Secretary Wolf:

On behalf of the over 150,000 goat producers as well as the 80,000 sheep producers in the U.S., many of whom rely on foreign labor, thank you for the efforts the Department of Homeland Security has undertaken this year to address labor disruptions impacting agricultural employers and threats to the domestic food supply as a result of COVID-19. Many measures have been implemented to address pandemic-related issues concerning the hiring, travel and employment of seasonal, nonimmigrant agricultural employees who supplement the domestic workforce. The temporary H-2A rules that Department of Homeland Security (DHS) put in place to allow for workers to remain in the country and working past the three year limit that expired on August 18, 2020.

We seek your ongoing assistance in addressing problems that have arisen because of the temporary rule issued on April 20, 2020, entitled "Temporary Changes to Requirements Affecting H-2A Nonimmigrants Due to the COVID-19 National Emergency," which was extended on August 19, 2020. This temporary provision has and will continue to provide significant relief to agricultural employers. However, given circumstances outside employers' control due to ongoing pandemic restrictions, we request the Department consider additional accommodation to the three-year maximum stay requirements. This rule has been vitally important to us while Peru has closed its borders and not allowed any workers to leave Peru.

Despite aggressive, ongoing efforts to recruit employees from the domestic workforce, the sheep and goat industry continues to rely on H-2A nonimmigrant workers, to help run their operations. As the COVID-19 pandemic swept the globe this spring, Peru, one of the main producers of our foreign workers, was among the countries to implement severe travel restrictions, which ultimately resulted in fewer eligible workers being able to travel to the United States.

A unified voice for all elements of the goat industry in public policy, education, research, and marketing of goat products.

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A large percentage of WRA workers come from Peru due to the experienced workforce that resides there. We have been unable to bring any new workers into the US and have a shortage of workers in the sheep and goat industry due to the travel restrictions. Being able to extend workers who are currently in the United States has helped fill the shortage. We have received reports from the Peru embassy and the US Embassy in Lima that the airport will not be open for international travel through September. The initial April 2020 temporary rule allowed H-2A visa workers to stay past their three-year maximum and helped alleviate the shortage of workers that resulted from pandemic travel restrictions. As the pandemic persists and international travel restrictions remain, agricultural employers would benefit from continued accommodations to the three-year maximum stay requirements, especially those in the sheep and goat industry. Consequently, new workers currently in Peru may not be able to travel to the U.S. Additionally, temporarily limiting international travel may also be beneficial for public health reasons, with less potential for exposure abroad and a reduced need for COVID screening upon reentry into the United States. Unfortunately, the temporary rule extension issued on August 19, 2020, does not alleviate the unworkable scenario many sheep and goat operators currently find themselves.

As many goat operations kid in the fall, ranches have been unable to send their current workforce home this summer as they normally do, and are unable to get a new workforce in the country in time for the season to start. As you know, nannies will not wait to give birth and can risk higher mortality rates if a rancher does not have an experienced workforce, especially with multiple births in high concentrations of predators.

Rest assured that the jobs continue to be advertised in the US, but currently there is no domestic workforce that is willing and able to fill this labor shortage. With workers legal work authorizations expiring at the end of their 3 years and has no access to return home, they should be given the opportunity to work in the United States legally to earn money. Because of the restrictions in Peru and abroad, the families of these workers also depend on the paychecks of the workers. Workers don't have a lot of other options to return home and want to continue working until they are able to go home. The sheep and goat industry prides itself on having a legal workforce and we would request that DHS supports the employers and employees who don't have other options and extend their temporary rules past August 18, 2020.

Agricultural employers across the country have been severely harmed by the COVID-19 pandemic. Having a reliable and secure legal workforce through the H-2A nonimmigrant visa program would be one less concern for farmers and ranchers as they continue to run their businesses and feed the world. Please consider an extension to maximum length of stay requirements or other accommodations to assist these employers as they continue to navigate the uncertainties caused by COVID-19 and international travel restrictions. Thank you for your consideration of this very time-sensitive matter.

Sincerely,



Randy Dusek,
President



U.S. Citizenship
and Immigration
Services

September 17, 2020

Mr. Randy Dusek
President
American Goat Federation
P.O. Box 2436
West Lafayette, Indiana 47996

Dear Mr. Dusek:

Thank you for your August 28, 2020 letter. Acting Secretary Wolf asked that I respond on his behalf.

The Department carefully considered whether it should extend the flexibilities for H-2A workers to remain in the United States beyond the three-year limitation, without first requiring them to remain outside of the United States for an uninterrupted period of three months. As explained in the August 20, 2020 temporary final rule, the Department determined it must strike a balance between providing stability to the U.S. food supply chain, addressing the urgent needs of U.S. agricultural producers, and ensuring that those aliens admitted into the United States as temporary H-2A workers remain in the United States on a temporary basis, as required by law.

We recognize that some nonimmigrants may unexpectedly be compelled to remain in the United States beyond their authorized period of stay due to COVID-19 travel restrictions and other disruptions. These aliens may be eligible to apply for a change of status to certain other categories before their authorized period of admission expires, which can help to mitigate the immigration consequences of COVID-19 if timely filed. We also note that H-2A workers have a 30-day period following the expiration of their H-2A petition to prepare for departure from the United States. The Department will continue to monitor the rapidly evolving situation surrounding the COVID-19 pandemic and will determine whether continued flexibilities may be needed.

Thank you again for your letter.

Respectfully,

A handwritten signature in blue ink, appearing to be "Joe Edlow", written over a horizontal line.

Joseph Edlow
Deputy Director for Policy