

Congress of the United States
Washington, DC 20515

The Honorable David Pekoske
Acting Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

RECEIVED

By ESEC at 8:17 am, Feb 01, 2021

The Honorable Antony Blinken
Secretary of State
2201 C St., NW
Washington, DC 20520

January 29, 2021

Dear Secretary Blinken and Acting Secretary Pekoske:

We write today to highlight the important role H-2A guestworkers play in the agricultural supply chain. Due to ongoing workforce shortages, American farmers use the H-2A guestworker visa program to fill vacant farm positions. The most recent available data indicates that approximately 5,000 of these valued essential workers originate from South Africa.

We appreciate the Administration's continued efforts to mitigate the spread of COVID-19, but we ask that supply chain impacts remain top of mind during these discussions. Without an exemption to the recently imposed travel restrictions, South African H-2A worker absences would have limited the ability of American farms to continue production of food, fuel, and fiber for our nation. We thank you for your flexibility and efforts to provide an exemption for South African H-2A workers in light of national interest.

That being said, we request that H-2A workers coming to the United States will be provided similar considerations as appropriate and continue to be exempted from any future travel restrictions. We also request that the State Department review current policies and procedures to ensure that the processing of these visas is not delayed due to COVID-19 related U.S. embassy or consulate closures. American farmers stand ready to implement additional COVID-19 safety protocols in the interest of maintaining worker safety and the continuity of production vital to our national food security interests.

While protecting our nation from new strains of COVID-19 is critically important, it is in our national interest to ensure the continued production of food, fuel, and fiber. We look forward to working together to protect workers and the national food supply chain.

Sincerely,



Frank D. Lucas
Member of Congress



Rick Crawford
Member of Congress



Henry Cuellar
Member of Congress



Austin Scott
Member of Congress



Kelly Armstrong
Member of Congress



James R. Barid
Member of Congress



Steven M. Palazzo
Member of Congress



Patrick McHenry
Member of Congress



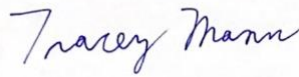
Rick W. Allen
Member of Congress



Ralph Norman
Member of Congress



Jason Smith
Member of Congress



Tracey Mann
Member of Congress



Mario Diaz-Balart
Member of Congress



Dan Newhouse
Member of Congress



Randy Feenstra
Member of Congress



Clay Higgins
Member of Congress



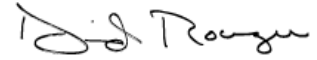
Tom Cole
Member of Congress



Thomas Massie
Member of Congress



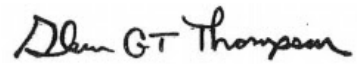
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Member of Congress



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Elise M. Stefanik
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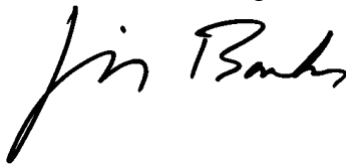
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Jim Hagedorn
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Ron Estes
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Barry Moore
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Tom Emmer
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Ron Wright
Member of Congress



**U.S. Citizenship
and Immigration
Services**

March 12, 2021

The Honorable Frank D. Lucas
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lucas:

Thank you for your January 29, 2021 letter. Secretary Mayorkas asked that I respond on his behalf.

In your letter, you emphasized the importance of H-2A workers in the agricultural supply chain, and you requested that the Administration carefully consider supply chain impacts in its continued efforts to mitigate the spread of the coronavirus. The Department of Homeland Security appreciates these concerns and recognizes the urgency of immigration-related challenges to agricultural employers and supply chain issues as a direct result of the pandemic. DHS has already taken several steps to mitigate these challenges, as described below, and will continue to monitor the situation.

On April 20, 2020, U.S. Citizenship and Immigration Services published a temporary final rule (TFR) to amend certain H-2A requirements to help U.S. agricultural employers avoid disruptions in lawful agricultural-related employment due to the COVID-19 public health emergency. Due to the continuing health and economic crisis caused by COVID-19, DHS determined that the public health emergency and economic circumstances resulting from COVID-19 necessitated the continuation of the flexibilities and published a new TFR on August 20, 2020, partially extending some of the provisions of the April 20, 2020 TFR.

Specifically, in the August 20, 2020 TFR, DHS extended the provision that temporarily allows all H-2A petitioners with a valid temporary labor certification to start employing certain foreign workers who are currently in the United States in valid H-2A status. DHS also extended the provision that allows H-2A workers to change employers and begin work before USCIS approves the new H-2A petition. On December 18, 2020, DHS published a new TFR extending the provisions of the August 20, 2020 TFR after determining the public health emergency and economic circumstances resulting from COVID-19 continued to necessitate the continuation of the flexibilities implemented through the August 20, 2020 TFR. USCIS currently intends to apply the flexibilities mentioned in this TFR to H-2A petitions requesting an extension of stay if they were received on or after December 18, 2020, through June 16, 2021.

USCIS extended these flexibilities in order to ensure that agricultural employers have access to the orderly and timely flow of legal foreign workers, thereby protecting the integrity of the nation's food supply chain while at the same time encouraging agricultural employers' use of

The Honorable Frank D. Lucas

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the H-2A program, which protects both U.S. and foreign workers. DHS will continue to monitor the evolving health crisis caused by COVID-19 and will decide if these or additional flexibilities are necessary.

With regard to your specific requests for South African H-2A workers to be exempt from the recently imposed travel restrictions and to receive expeditious visa processing, matters related to the travel restrictions fall under the purview of the Department of Health and Human Services and the Centers for Disease Control and Prevention. Matters relating to visa processing and procedures fall under the purview of the Department of State.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at 240-721-3801.

Respectfully,

A handwritten signature in black ink that reads "Tracy L. Renaud". The signature is written in a cursive style with a large, stylized initial 'T'.

Tracy L. Renaud
Senior Official Performing the Duties of the Director