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January 26, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, D.C. 20528

The Honorable Marty Walsh
Secretary
Department of Labor
Washington, D.C. 20210

Dear Secretary Mayorkas and Secretary Walsh:

The National Roofing Contractors Association (NRCA) urges you to expeditiously provide additional visas for the H-2B seasonal temporary worker program for the second half of fiscal year 2022 in accord with surging demand for employees in construction and other industries. The problem of workforce shortages in the roofing industry continues to intensify and providing sufficient H-2B visas to meet demand is vital to helping address this urgent matter.

Established in 1886, NRCA is one of the nation's oldest trade associations and the voice of roofing professionals worldwide. NRCA's nearly 4,000 member companies represent all segments of the industry, including contractors, manufacturers, distributors, consultants and other employers in all 50 states and internationally. NRCA members are typically small, privately held companies with the average member employing 45 people and attaining sales of \$4.5 million per year. The U.S. roofing industry is an essential \$100 billion sector with nearly 1 million employees that provides critical materials and services to ensure home and business safety.

As you know, Congress provided the administration with the authority to approve additional visas under the H-2B season temporary worker program in the Continuing Resolution approved by Congress in December. It is my understanding that you may use this authority to provide additional visas in accord with market conditions. I commend you for recently announcing that the administration will issue an additional 20,000 H-2B visas for the first half of fiscal year 2022, and now urge that you move forward with additional visas for employers requesting H-2B employees for the second half the fiscal year beginning on April 1, 2022. Swift action is necessary to ensure that seasonal businesses in the roofing industry get the workers they need to meet consumer demand through the spring and summer months.

The H-2B program is critical to many employers who routinely cannot find local workers to fill job openings during the busy summer season. The program enables businesses to operate at greater capacity during peak season, retain their full-time workers and contribute more to their local and state economies. Seasonal workers help support many upstream and downstream jobs. In fact, every H-2B worker is estimated to create and sustain 4.64 American jobs, according to a study commissioned by Immigration Works USA and the U.S. Chamber of Commerce.

While the H-2B program is costly and complicated for employers to use, contractors turn to it because it is the only way they can hire legal seasonal employees at this time. The program requires employers to undertake extensive recruitment of American workers, gain approval from government agencies and pay a premium wage, among other requirements.

Unfortunately, the program's annual statutory 66,000 cap (33,000 for each half of the fiscal year) on visas, which has not been updated since 1992, is woefully inadequate to meet the demands of today's economy. Given that the program is oversubscribed for 2022, many employers will be shut out of obtaining the workers they need unless the Biden administration uses the authority provided by Congress to issue additional visas according to economic demand. Without additional visas being made available, it will be much more difficult for employers to utilize the H-2B program this year, causing them to turn away customers and reduce the level of work for their American workers. For many employers this will cause substantial harm to their business. Moreover, failure to provide additional H-2B visas will harm employers who abide by the rules and reward those that do not.

Again, NRCA strongly urges you to expeditiously provide additional H-2B visas for the second half of fiscal year 2022 in accord with the surging demand in a growing economy. Such action will be beneficial to employers, their existing employees and the employees who gain the opportunity to work because of your action.

Thank you for your careful consideration of NRCA's views on this important issue. If you have questions or need more information, please contact Duane Musser, NRCA's vice president of government relations, at 202-546-7584 or dmusser@nrca.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid Ribble". The signature is fluid and cursive, with the first name "Reid" and last name "Ribble" clearly distinguishable.

Reid Ribble
Chief Executive Officer



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

February 7, 2022

Reid Ribble
Chief Executive Officer
National Roofing Contractors Association
324 Fourth St., NE
Washington, DC 20002

Dear Mr. Ribble:

Thank you for your January 26, 2022 letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

In your letter, you emphasized the importance of the H-2B Temporary Nonagricultural Worker Program to the roofing industry and commended DHS for its December 20, 2021 announcement regarding supplemental H-2B visas to be made available for U.S. employers seeking to employ additional workers on or before March 31, 2022. Your letter urged DHS, in consultation with the U.S. Department of Labor (DOL), to release additional visas in the second half of the fiscal year.

As you know, subsequent to the announcement noted in your letter, on January 28, 2022, DHS and DOL issued a joint temporary final rule¹ to increase the number of H-2B temporary nonagricultural worker visas for fiscal year (FY) 2022, making available an additional 20,000 visas for U.S. employers seeking to employ additional workers on or before March 31, 2022. The supplemental H-2B visa allocation consists of 13,500 visas available only to returning workers who received an H-2B visa, or were otherwise granted H-2B status, during one of the last three fiscal years (FY 2019, 2020, or 2021). The remaining 6,500 visas, which are exempt from the returning worker requirement, are reserved for nationals of Honduras, Guatemala, and El Salvador (collectively called the Northern Central American Countries), as well as for nationals of Haiti. The rule also grants portability to certain H-2B workers by allowing H-2B nonimmigrant workers already in the United States to begin employment with a new H-2B employer or agent once U.S. Citizenship and Immigration Services (USCIS) receives a timely filed, non-frivolous H-2B petition but before the petition is approved.

DHS appreciates the concerns you raised regarding the challenges faced by your member companies, and the need for H-2B nonimmigrant labor to meet their seasonal employment requirements during the spring and summer months. To the extent it has statutory authority, DHS will continue to endeavor to ensure that American businesses are equipped with the resources

¹ <https://www.federalregister.gov/documents/2022/01/28/2022-01866/exercise-of-time-limited-authority-to-increase-the-fiscal-year-2022-numerical-limitation-for-the>

needed to recover successfully and contribute to the economic health of local communities. DHS remains committed to providing employers with the resources and support needed to sustain their businesses while expanding lawful pathways to the United States.

Please also note that USCIS continues to accept H-2B petitions that are exempt from the congressionally mandated cap. These include, among others, petitions for current H-2B workers in the United States who wish to extend their stay and, if applicable, change the terms of their employment or change their employers.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director