



DAVID P. JOYCE
MEMBER OF CONGRESS
14TH DISTRICT OF OHIO

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

COMMITTEE ON
APPROPRIATIONS

April 22, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

RECEIVED
By ESEC at 7:49 am, Apr 25, 2022

Dear Secretary Mayorkas,

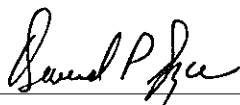
Earlier this year, I led a bipartisan contingent of over 50 Members of Congress in writing to you to express our support for small business owners across the United States who rely on the H-2B visa program. Specifically, we asked the Department of Homeland Security (DHS) to urgently release and process the full amount of additional visas that the Department is authorized to release this fiscal year. On March 31, 2022, DHS and the Department of Labor (DOL) announced that the federal government would be making available an additional 35,000 H-2B visas to help meet pressing labor demands. This is a positive development, and I sincerely thank DHS for heeding our concerns.

Since that announcement, employers across the country have requested over 136,000 visa positions, underscoring the incredible and ongoing demand for labor faced by many American business owners. I was disappointed to hear, however, that DHS has not yet published the rule that will allow the visa allocation process to begin. Given that the Department has indicated that the rule will not be published until early May, businesses across Ohio will be forced to decline new contracts because they lack the necessary staff for the work required. While I appreciate the amount of work involved in the release of a new rule, seasonal businesses across Ohio simply cannot afford any more delays.

I respectfully ask that the Department release the final rule allowing for the allocation of H-2B visas immediately, so that American businesses can have access to the qualified labor they need to thrive. As our country struggles amidst a national labor shortage, I hear constantly from Ohio business owners that they are on the verge of having to shutter their operations altogether because they simply can't find employees to hire. It is for that reason that I cannot stress enough how important the immediate release of this rule is, as H-2B visa holders will ensure that the business community has the labor they need to remain afloat. The alternative would undoubtedly result in businesses having to close their doors, leaving the Americans they once employed without a job.

I know I speak for many business owners in Northeast Ohio when I say how much I appreciate the Department's decision to provide the additional 35,000 H-2B visas. Now, the Department must exercise their authority to publish the final rule and ensure businesses actually receive these additional visas. I thank you in advance for your attention to and consideration of this critically important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David P. Joyce", is written over a horizontal line.

David P. Joyce
Member of Congress



U.S. Citizenship
and Immigration
Services

June 7, 2022

The Honorable David P. Joyce
U.S. House of Representatives
Washington, DC 20515

Dear Representative Joyce:

Thank you for your April 22, 2022 letter to the Department of Homeland Security (DHS) regarding the release of additional H-2B visas under supplemental cap. Secretary Mayorkas asked that I respond on his behalf.

U.S. Citizenship and Immigration Services (USCIS) appreciates the concerns you raised regarding labor challenges facing small business owners who rely on the H-2B nonimmigrant temporary non-agricultural worker program. As you noted, on March 31, 2022, DHS and the Department of Labor (DOL) jointly announced the allocation of an additional 35,000 H-2B visas to help support American businesses and promote legal immigration pathways to those seeking work in the United States.¹ These visas have been made available to U.S. employers seeking to employ H-2B workers through September 30, 2022. DHS and DOL's joint temporary final rule published in the Federal Register on May 18, 2022 and places a high priority on stronger worker and wage protections.

Moreover, USCIS continues to accept H-2B petitions that are exempt from the cap. These include 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 their employers.

Thank you again for your letter and interest in this important issue. 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 "Ur M. Jaddou" followed by a long horizontal flourish.

Ur M. Jaddou
Director

¹ See *DHS and DOL to Supplement the H-2B Cap with Additional Visas for Second Half of Fiscal Year 2022*, <https://www.uscis.gov/newsroom/all-news/dhs-and-dol-to-supplement-the-h-2b-cap-with-additional-visas-for-second-half-of-fiscal-year-2022#:~:text=The%20supplemental%20H%2D2B%20visa,the%20last%20three%20fiscal%20years.>