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EMERGING THREATS, AND CAPABILITIES

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INTELLIGENCE AND COUNTERTERRORISM

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INFRASTRUCTURE PROTECTION, AND
INNOVATION



Congress of the United States
House of Representatives

ELISSA SLOTKIN
8TH DISTRICT, MICHIGAN

February 2, 2022

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RECEIVED

By ESEC at 9:44 am, Feb 03, 2022

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

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

Dear Secretaries Mayorkas and Walsh:

I am writing to ask that you take a focused look at our broken immigration system and allow more legal immigration into the United States this spring. The goal, which I believe we share, is to facilitate more *legal* immigration, directly from home countries of origin, based on the specific needs of the U.S. economy. Specifically, I ask your help raising the cap on H-2B visas and ensuring the timely release of H-2A and H-2B visas to get Michigan businesses and farmers the workforce they need, when they need it. As you know better than most, our current immigration system isn't working for *anyone* – from the businesses and farms who are in need of legal labor, to our overstretched customs and border officials, to the migrants themselves risking life and limb to walk over our border because they have no better option than to come by foot.

I appreciate that you recently announced a 22,000 increase in the cap on H-2B nonimmigrant visas for positions with start dates on or before March 31, 2022. I ask you to go further and increase the number of visas issued and, importantly, ensure that these legal visa-holders are able to begin working as early as April 1. This would provide significant relief to Michigan's tourism-based economy. Such a move would have immediate benefits for our state. For example, Michigan's most popular tourist attraction, Mackinac Island, relies on an influx of 4,000 to 5,000 workers during peak season, which runs from April to November. And our farmers, who have for decades relied on legal temporary labor to bring food to our tables, are now facing an unprecedented labor shortage, making this need even more critical.

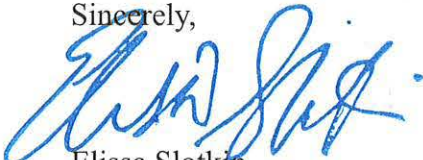
These temporary workers are not replacing American jobs, they are *in addition* to American jobs. I therefore request that you take full advantage of your statutory authority to issue up to 44,000 more H-2B visas nationwide this fiscal year. Likewise, I'd ask you to ensure both H-2A and H-2B visas are released in a timely fashion. If the timing is similar to years past, the visas will be issued too late to satisfy the needs of these small businesses and farmers, and they will once again not be able to keep everything open all season.

I know that increasing these caps to legal immigration via executive action are short-term fixes, and that Congress has been unable and unwilling to handle the issue in a thoughtful, bipartisan manner. As a former CIA officer and Pentagon official, I know we desperately need a strategic approach to immigration that vigilantly secures our borders and protects our sovereignty; tailors our legal immigration to best strengthen the U.S. economy; provides a pathway to citizenship for DACA recipients; addresses the root causes of displacement; and ensures that we are living up to our nation's values by remaining a refuge for people truly fleeing persecution or death.

Both parties in Congress have been derelict in their duty to rise above partisan concerns to address this obvious need. To that end, I will be introducing bills over the coming weeks and months to try, once again, to take common-sense action on the issue of immigration and border security, and I look forward to working with you to make them law.

In the meantime, I urge you to take executive action within your statutory authority to expand pathways to legal immigration to the U.S. This will improve our economy and support Michigan's small businesses and help prevent yet another crush of humans on our southern border. Thank you for your consideration, and I look forward to hearing back from you.

Sincerely,



Elissa Slotkin
Member of Congress



U.S. Citizenship
and Immigration
Services

March 8, 2022

The Honorable Elissa Slotkin
U.S. House of Representatives
Washington, DC 20515

Dear Representative Slotkin:

Thank you for your February 2, 2022 letter to the Department of Homeland Security (DHS) regarding workforce shortages facing businesses in Michigan. Secretary Mayorkas asked that I respond on his behalf, and I apologize for the delay in responding.

DHS appreciates the concerns you raised regarding the challenges faced by Michigan's small businesses and farmers and will continue to work to ensure American businesses are equipped with the resources needed to recover successfully and contribute to the economic health of local communities.

As you noted, on December 20, 2021, DHS announced a supplemental increase of 20,000 visas for the H-2B program for U.S. employers seeking to employ additional workers on or before March 31, 2022. As in prior years, DHS consulted with Department of Labor (DOL) to ensure that the supplemental increase does not adversely affect the wages and working conditions of U.S. workers. These additional visas are now available, as set forth in the temporary final rule¹ that was published in the *Federal Register* on January 28, 2022. DHS will assess, in consultation with DOL, whether there is the need to make additional H-2B visas available and make the appropriate determination should Congress elect to extend this authority.

Please note that while the congressionally mandated H-2B cap for the second half of fiscal year 2022 was reached on February 25, 2022, U.S. Citizenship and Immigration Services (USCIS) continues to accept H-2B petitions that are exempt from the congressionally mandated 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.

¹ 87 Fed. Reg. 4722 (Jan. 28, 2022), <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>.

The Honorable Elissa Slotkin

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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.

Sincerely,

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

Ur M. Jaddou
Director