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By ESEC at 2:52 pm, Jul 09, 2020

July 09, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

The Honorable Chad Wolf
Department of Homeland Security
3801 Nebraska Ave NW
Washington, DC 20016

Dear President Trump and Acting Secretary Wolf:

I write to request that you revoke the Administration's June 22, 2020 proclamation to suspend H-1B, H-2B, H-4, L, and most J work visa programs and extend the green card suspension until January 2021. Furthermore, I request that the Administration clarify how this action will meaningfully address labor needs through this challenging time. This decision will drastically limit the award of petitions and will further strain American businesses, which are already battling a recession.

In the midst of the current pandemic, foreign workers have proven to be vitally important. The United States relies on these petitioners to perform critical services now more than ever. The Administration's decision will cause further damage to the health and prosperity of our nation. Further, American industry will struggle to compete with other nations if it is unable to bring in the talent necessary to spur innovation. Nearly half of all Fortune 500 companies were started by immigrants or by their children. Ongoing efforts to retain and attract talent and entrepreneurship will be critical to our economic recovery and leadership in innovation.

America's business leaders and trade associations have objected to these limitations. The Chamber of Commerce, National Association of Manufacturers, FWD.us, the Information Technology Industry Council, and the Internet Association are among the groups that have cited the likely financial losses that small businesses and technology companies will incur. Executives from Google, Facebook, Microsoft, and Twitter, have all cited the suspension's long-term detrimental effect on our ability to attract and develop talent.

To that end, I request that you clarify the following:

1. What data from the Department of Labor (DoL) and Department of Homeland Security (DHS) establishes a relationship between widespread job losses during COVID-19 and the visas suspended by the proclamation?
2. What projections or data do the Administration, DoL, and DHS cite to indicate that these actions would lower the unemployment rate during and after the COVID-19 pandemic?
3. What efforts is the Administration taking to improve and increase the talent pipeline across sectors in the United States?

I strongly urge you to reconsider your recent decision. Immigrants are vital to protecting American health and preserving American prosperity.

I look forward to your response.

Sincerely,

A handwritten signature in blue ink, reading "Michael F. Bennet". The signature is fluid and cursive, with the first name "Michael" written in a large, stylized script, followed by "F." and "Bennet" in a more compact, cursive style.

Michael F. Bennet
United States Senator



U.S. Citizenship
and Immigration
Services

July 20, 2020

The Honorable Michael F. Bennet
U.S. Senate
Washington, DC 20515

Dear Senator Bennet:

Thank you for your July 9, 2020 letter. Acting Secretary Wolf asked that I respond on his behalf.

President Trump recently issued a “Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak.”¹ The presidential proclamation temporarily restricts certain categories of visas from being issued to protect jobs for American workers while our economy recovers from the effects of COVID-19. This does not affect those currently working in the United States in valid nonimmigrant classifications. The proclamation also does not prevent individuals in possession of valid H, J, or L visas prior to the effective date of the proclamation from entering or re-entering the country in these categories, if they have been abroad, provided they have not otherwise rendered themselves inadmissible.

It is important for us to emphasize that U.S. Citizenship and Immigration Services (USCIS) continues to accept and process benefit requests, including for the H, J, and L programs and for permanent residence (“green cards”). To the extent that you are concerned about the temporary suspension of visa issuance for individuals outside of the United States, USCIS defers to our colleagues at the Department of State.

The Secretary of Labor and the Acting Secretary of Homeland Security reviewed nonimmigrant programs and found that the admission of workers within several nonimmigrant visa categories poses a risk of displacing and disadvantaging United States workers during this economic recovery. With regard to your data requests pertaining to unemployment rates, USCIS defers to our colleagues at the Department of Labor. As for the Administration’s efforts to improve and increase the talent pipeline across sectors in the United States, the goal of recent presidential proclamation is to ensure that U.S. businesses look to American workers first as the United States recovers from the economic effects of the coronavirus. Many Americans are out of work through no fault of their own due to the coronavirus pandemic and they should not remain on the sidelines while being replaced by foreign labor.

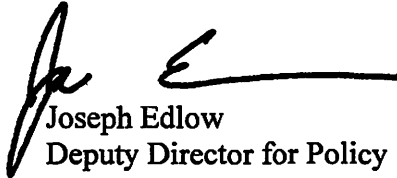
¹ Further clarification was provided in the “Proclamation on Amendment to Proclamation 10052.”

Senator Bennet

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Thank you again for your letter and your interest in this important matter. If you have further questions, please contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Sincerely,



Joseph Edlow
Deputy Director for Policy