



INDIANA NURSERY AND LANDSCAPE ASSOCIATION

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April 6, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Secretary Nielsen:

Members of the Indiana Nursery and Landscape Association applied for 1024 H-2B visas for this calendar year. They received less than 1/2 of that number before the visas capped out. The regional employment conditions are nearly impossible. After repeated solicitations for local employees with a pay rate of \$12.28 the typical result is as follows: 25 phone inquiries, 5 show up and fill out an application, 2 can pass a drug test and have a valid drivers license. Both are hired, one quits after 4 hours the other makes it to 90 days. These businesses have contracted their work in the previous fall and have only a limited time in this calendar year to earn a profit. They will never be successful under the current conditions. The inability to fill their employment needs will result in the forfeiture of some \$45,000,000 in revenue in Indiana. Additional millions will be lost to the suppliers of these companies. In Indiana alone we need another 700 visas to prevent severe economic damage.

The recently passed Consolidated Appropriations Act allows the Secretary of Homeland Security, in consultation with the Secretary of Labor, to approve petitions for admission under the H-2B Nonimmigrant Temporary Worker program up to the new statutory level of 68,000. Due to the time-sensitive nature of seasonal businesses, we implore you to take immediate steps to re-open the petition process and request that you inform us as soon as possible as to the process you will use to issue additional visas and the number of additional visas you intend to issue.

The H-2B program relies on well-vetted, legal guest workers who come to the U.S. for seasonal employment and then return to their home country. These workers are not immigrants. They allow U.S. businesses to operate at a greater capacity, retain their full-time workers and contribute to their local economies. Seasonal workers help support many upstream and downstream jobs.

We thank you for your consideration of this request and urge that you act as soon as possible.

Sincerely,

David George
INLA Labor Advocate

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SCANNED/RECEIVED
BY EXEC SEC



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

August 27, 2018

Mr. David George
Labor Advocate
Indiana Nursery and Landscape Association
7915 S. Emerson Ave., Suite 247
Indianapolis, Indiana 46237

Dear Mr. George:

Thank you for your April 11, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Your letter urges Secretary Nielsen and Secretary Acosta to approve additional H-2B petitions pursuant to the H-2B visa provisions contained in the Consolidated Appropriations Act, 2018 (Public Law 115-141), which was signed by the President on March 23, 2018.

This provision authorized Secretary Nielsen, in consultation with Secretary Acosta, to determine whether to increase, and if so, by how many (within specified parameters), the number of available H-2B visas for fiscal year (FY) 2018. In making her decision to increase the number of H-2B visas, the Secretary carefully weighed several factors, including whether U.S. workers may be harmed by any such increase.

On May 31, 2018, the U.S. Department of Homeland Security (DHS) and U.S. Department of Labor published a temporary final rule increasing the cap on H-2B nonimmigrant visas by up to 15,000 additional visas through the end of FY 2018. The Secretary does not intend to reopen the supplemental cap for FY 2018.

As with the essentially identical provision in the FY 2017 Omnibus, DHS did not ask for, and does not believe it is appropriate to have, the discretion to authorize the issuance of additional H-2B visas, in general, and specifically under a supplemental cap. I share Secretary Nielsen's opinion that Members of Congress have the best information to know the correct number of H-2B visas needed to support American businesses without harming American workers because congressional representatives have the best understanding of their constituencies and the needs of their local employers.

Further, I share the Secretary's desire to work together with Congress to find solutions to most effectively allocate available H-2B visas throughout the year, while also protecting U.S. workers in the process. DHS will be submitting a congressionally mandated report that details options for addressing the issue of late-season filers in the H-2B program, resulting in their inability to obtain H-2B workers. This report will include suggestions on how the program

Mr. David George
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can better serve our national interest. In the meantime, DHS continues to take steps of its own in this regard, including advising members of the public who may have information about a participating employer who is abusing the H-2B program on how to file a report through ReportH2BAbuse@uscis.dhs.gov.

Thank you again for your letter and interest in this important issue. Please share this response with the cosigners of your letter. Should you wish to discuss these matters further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "L. Francis Cissna". The letters are stylized and cursive.

L. Francis Cissna
Director