



STATE OF NEW HAMPSHIRE  
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU  
Governor

2018 APR 23 AM 10:24  
SCANNED/RECEIVED  
BY EXEC SEC

April 11, 2018

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

The Honorable R. Alexander Acosta  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, D.C. 20510

Dear Secretary Nielsen and Secretary Acosta,

I am writing today to express my concerns over the limited number of H-2B Nonimmigrant Temporary Worker visas that have been made available by the Department of Homeland Security. This is having an adverse economic impact on New Hampshire and must be addressed.

Historically the H-2B visas have been awarded on a 'first-come, first-serve' basis. This visa regime has long benefited New Hampshire's tourism and hospitality industry, which is one of the largest economic drivers in the state, as well as in New England. With the recent change to a visa lottery system, many businesses will be unable to secure the seasonal workforce that they need, forcing them to take such measures as to turn away contracts and agreements totaling hundreds of thousands of dollars in lost revenue.

With unemployment currently at 2.6%, New Hampshire has a tight labor market, and it is critical for small and seasonal businesses to have access to H-2B visas in order to meet their workforce needs. Granite State companies have expressed their concerns with the changes to the H-2B visa program but nevertheless have felt their concerns for their employees and businesses have been ignored.

Under Division M, Extensions, Title II Section 205 (P.L. 115-141) of the recently passed Consolidated Appropriations Act, the authority to approve H-2B Nonimmigrant Temporary Worker petitions for admission to work in the United States was left to the Secretary of Homeland Security, in consultation with the Secretary of Labor. **I request that you and your Departments assist New Hampshire's seasonal businesses, by using your authority to approve their H-2B visa petitions.**

I thank you for your consideration of this request and I urge you to act expeditiously.

Sincerely,

Christopher T. Sununu  
Governor



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

August 27, 2018

The Honorable Christopher T. Sununu  
Governor of New Hampshire  
State House  
107 North Main Street  
Concord, New Hampshire 03301

Dear Governor Sununu:

Thank you for your April 11, 2018 and your July 30, 2018 letters. 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 Department of Homeland Security (DHS) and 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 "right" 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

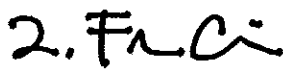
The Honorable Christopher T. Sununu

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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 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](mailto:ReportH2BAbuse@uscis.dhs.gov).

Thank you again for your letter and interest in this important issue. 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