



UNITED STATES DEPARTMENT OF COMMERCE  
The Secretary of Commerce  
Washington, D.C. 20230

May 8, 2018

The Honorable Kirstjen Nielsen  
Secretary of Homeland Security  
Washington, DC 20024

Dear Madam Secretary:

I am writing to request that you take action to issue additional H-2B visas necessary to ensure a sufficient seasonal workforce for the U.S. seafood processing industry. Our Nation's coastal communities depend upon healthy and vibrant fishing and seafood processing sectors. Domestically harvested seafood alone generates approximately \$50 billion in sales and nearly one million jobs annually to the seafood industry and across the broader economy.

These sectors are heavily dependent on H-2B workers, as many small, remote fishing communities are unable to secure domestic workers for short seasonal work. Given the strict seasonality of fisheries and the need to process the highly perishable catch immediately once delivered to the dock, the fishing and seafood sectors depend on timely issuance of these visas – there is no way to “catch up” once the fishing season has ended or the catch has gone unprocessed. Reducing the trade deficit in seafood is one of my highest priorities. Your swift action to issue H-2B visas in support of this vital domestic industry will benefit U.S. coastal communities, provide domestic seafood for consumers, and help strengthen the Nation's economy.

Last year, Congress authorized the Department of Homeland Security to release more than 69,000 visas (in addition to the 66,000 annually available) for U.S. companies to hire seasonal H-2B workers. Unfortunately, this authority was not exercised in time to prevent significant losses for U.S. seafood producers, considering the several weeks' administrative processing time before workers could be on site. For example, seafood processors in Alaska reported that the shortage of a few thousand H-2B workers for the brief Bristol Bay sockeye salmon season resulted in a loss to the region approaching \$50 million – from losses to U.S. fishermen who were unable to sell as much fish as was available to catch, to lost revenue from reduced processing capacity, to losses to remote coastal communities that rely on taxes generated by this economic activity. Seafood producers in other regions such as the Mid-Atlantic and Gulf of Mexico fared similarly.

Losses in 2018 are already mounting. Mid-Atlantic shrimp, crab, and oyster processors are already operating below capacity due to lack of workers, putting their small businesses at risk. The Texas Gulf of Mexico shrimp fleet and shrimp processors face a second year of losses

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due to a lack of adequate workforce. They estimate that losses due to this shortfall can reach \$5 million per day.

In order to ensure that this year the U.S. seafood sector is able to maximize its productivity and fully support the coastal economies and consumers dependent upon our Nation's fisheries, I urge you to utilize your authority to release additional visas in support of our domestic fisheries and seafood processors and to do so as soon as possible, ensuring that H-2B workers will be available to the U.S. seafood industry in time for the summer harvest and processing season.

Sincerely,

A handwritten signature in blue ink that reads "Wilbur Ross". The signature is written in a cursive, flowing style.

Wilbur Ross





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

August 27, 2018

The Honorable Wilbur Ross  
Secretary of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Secretary Ross:

Thank you for your May 8, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Your letter urges Secretary Nielsen 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

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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](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 cursive and somewhat stylized, with the first name "L." being more prominent.

L. Francis Cissna  
Director