

PETER J. VISCLOSKY
1ST DISTRICT, INDIANA

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February 1, 2018

The Honorable Kirstjen M. Nielsen
Secretary
Department of Homeland Security
301 7th Street Southwest
Mail Stop 0150
Washington, D.C. 20016

2018 FEB 20 PM 1:34
SCANNED/RECEIVED
BY EXEC SEC

Dear Kirstjen:

I write on behalf of Mr. Dean Savarino, a resident of Indiana's First Congressional District.

Mr. Savarino has contacted me to express his concerns regarding the H-2B visa cap and his support for releasing additional H-SB visas for 2018. Enclosed, please find a copy of the correspondence I have received from Mr. Savarino. I would appreciate your addressing his concerns.

Thank you in advance for your serious consideration of this matter. Do not hesitate to let me know if you have any questions or need additional information.

Sincerely,



Peter J. Visclosky
Member of Congress

PJV:ss
Enclosure



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The Honorable Peter J. Visclosky
Member of Congress
2328 Rayburn Building
Washington, DC 20515

January 4, 2018

Dear Congressman Visclosky,

I am writing today on behalf of myself and other small and seasonal businesses in our district. On December 15, 26 days earlier than last year, Citizenship and Immigration Services (CIS) announced that the statutory limit on issuance of H2B visas ('the cap') was met. Demand for the H-2B program continues to rise as the economy improves and the US approaches full employment. We believe demand for the legal seasonal H-2B visas is likely three to four times the available 66,000 visas permitted under the law.

My company, Dean's Landscaping, doesn't bring in seasonal workers until spring, but many in our industry were caught by the cap. The H-2B program is essential to employers who cannot find local workers to fill temporary jobs. Not getting their H-2B workers will cause irreversible damage to their company and to the industry's (and many similar businesses) employees, hard earned reputation, financial stability, suppliers, clients, and future sustainability.

Our company spends a considerable amount of effort and substantial financial investment attempting to have a 100% U.S. workforce, however, we have exhausted all reasonable avenues in our attempt. Our next option was to turn to the H-2B program in order to fulfill our business obligations and to expand. In order to expand and meet the demand for my company's services we have participated in the H2B visa program for the past 14 years. This program has truly been a "lifesaver" for us. We would not be a viable company without access to the program. Now even this option is being taken away from us because of the artificial and antiquated 66,000 annual visa 'cap' which has not been altered since 1990. Where can we turn now if we refuse to hire undocumented workers?

We are reaching out to you for your help. It is imperative that our representatives do everything in their power to convince the Department of Homeland Security (DHS) to utilize the permission granted it in the April 2017 Continuing Resolution to release up to 70,000 additional visas in 2018 IMMEDIATELY.

Seasonal employers will be unable to meet our obligations, without H-2B workers, and will be forced to default on contracts; fail our clients, lay off dedicated full-time U.S. workers, cancel large plant/material orders with our US vendors, and in the worst case scenario, close a business in which we have invested our hearts and souls for over 20 years. H-2B workers provide an opportunity for local businesses operate at a greater capacity, which helps businesses like mine retain American full-time workers, even during winter months, and contribute to the local economy.

Relief for seasonal businesses, like mine, that use the H-2B program is needed urgently. Please help us by demanding an immediate release of additional H2B worker visas so that Dean's Landscaping and other affected American businesses can continue to provide for American workers and their families.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dean Savarino', with a long horizontal flourish extending to the right.

Dean Savarino
President



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

April 18, 2018

The Honorable Peter J. Visclosky
U.S. House of Representatives
Washington, DC 20515

Dear Representative Visclosky:

Thank you for your February 1, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Your constituent's letter urges the Department of Homeland Security (DHS) to make available the maximum number of additional H-2B temporary nonagricultural worker visas above the existing cap of Fiscal Year 2018 and stressed the importance of the H-2B program on employers in Indiana.

There is a statutory cap on the total number of foreign nationals who may be issued an H-2B visa or otherwise granted H-2B status during a fiscal year. Under section 214(g)(1)(B) and 214(g)(10) of the Immigration and Nationality Act, as amended, Congress has set the H-2B cap at 66,000 per fiscal year, with a maximum of 33,000 available during the first half of any given fiscal year. However, section 205 of Div. M of H.R. 1625, the Consolidated Appropriations Act, 2018, which was signed into law by the President on March 23, 2018, provides the Secretary of Homeland Security with discretion, after consultation with the Secretary of Labor, to increase the H-2B cap for the current fiscal year. In considering its implementation of section 205, DHS will keep in mind the concerns stated in your constituent's letter.

Please be assured that USCIS understands the H-2B nonagricultural worker program's significance to seasonal employers and is committed to the efficient management of the program.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "Ronald A. Atkinson", written over a circular stamp or mark.

Ronald A. Atkinson
Deputy Chief