

VICKY HARTZLER
4TH DISTRICT, MISSOURI

COMMITTEE ON ARMED SERVICES

RANKING MEMBER, SUBCOMMITTEE ON
TACTICAL AIR AND LAND FORCES

COMMITTEE ON AGRICULTURE

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Congress of the United States
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March 31, 2020

The Honorable Mark Koumans
Director
U.S. Citizen and Immigration Services
20 Massachusetts Avenue NW
Washington, DC 20529

Dear Director Koumans:

I am writing to ask for clarification regarding the enforcement of work requirement provisions for H1B visa holders serving in the healthcare sector. The federal government is anticipating a shortage of medical workers during the COVID-19 epidemic. Many healthcare providers in rural areas such as Missouri's Fourth Congressional District, depend heavily on H1B employees. Critical care physicians and nurses with H1B visas are working on the front lines of the current pandemic, exposed to the COVID-19 contagion. Some may potentially become incapacitated and unable to fulfill H1B visa requirements. However, it would be disruptive and counterproductive if these critical workers were expected to return to their country of origin during this national emergency as a result of their potential exposure to COVID-19 and inability to fulfill H1B requirements while in recovery. I appreciate the agency's flexibility and commitment under these difficult circumstances and look forward to any departmental guidance on this critical issue.

Sincerely,

A handwritten signature in blue ink that reads "Vicky Hartzler".

Vicky Hartzler
Member of Congress



U.S. Citizenship
and Immigration
Services

May 13, 2020

The Honorable Vicky Hartzler
U.S. House of Representatives
Washington, DC 20515

Dear Representative Hartzler:

Thank you for your March 31, 2020 letter regarding the enforcement of work requirement provisions for H-1B visa holders serving in the healthcare sector during the COVID-19 pandemic.

The Department of Homeland Security (DHS) has no greater responsibility than ensuring the safety and security of our country. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

We recognize that there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. DHS continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

It is important for us to emphasize that U.S. Citizenship and Immigration Services (USCIS) continues to accept and process petitions and applications for immigration benefits. Our primary goal is to ensure the safety of the public and our employees as the situation evolves. Therefore, we have temporarily suspended routine in-person services at our offices. Importantly, however, our workforce continues to perform mission-essential duties that do not involve face-to-face contact with the public, and we provide emergency services for certain situations.

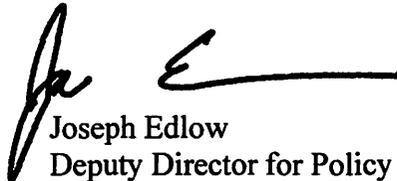
Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times. On May 11, 2020, we issued a policy memorandum on temporary policy changes for certain H-1B foreign medical graduates. In addition, as we announced in our public-facing website, several options are available to nonimmigrants to extend or change their status. For policy updates, operational changes, and COVID-19 information, please visit uscis.gov/coronavirus.

While Congress has granted DHS extensive statutory authority, it has also prescribed specific statutory limitations regarding many nonimmigrant visa programs, including in relation to extensions of status. I should note that when similar concerns arose in the aftermath of the

9/11 terrorist attacks, Congress passed legislation providing relief to impacted legal aliens. Section 422 of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001," Pub. L. No. 107-56, provided automatic extensions of status, but only to those nonimmigrants lawfully present in the United States on September 1, 2001 who had been disabled as a result of the terrorist attacks (and family members). Such aliens could "remain lawfully in the United States in the same nonimmigrant status until the later of . . . the date such . . . status otherwise would have terminated . . . or 1 year after . . . the onset of disability . . ." For those lawfully present nonimmigrants who had not been disabled, Congress provided only that "if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due." The House of Representatives passed similar legislation on a bipartisan basis by voice vote in the aftermath of Hurricane Katrina. See H.R. 3827, the "Immigration Relief for Hurricane Katrina Victims Act of 2005."

Thank you again for your letter and interest in this important matter. We will consider the recommendations you have put forward. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Edlow", with a long horizontal stroke extending to the right.

Joseph Edlow
Deputy Director for Policy