

Congress of the United States
Washington, DC 20515

September 1, 2020

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
2801 Nebraska Avenue, N.W.
Washington, DC 20528

RECEIVED

By ESEC External at 3:01 pm, Sep 02, 2020

Dear Acting Secretary Wolf:

Thank you for all that the Department of Homeland Security has done this year to help solve labor disruptions impacting agricultural employers and threats to the domestic food supply as a result of COVID-19. We appreciate your efforts to keep Americans safe and agriculture growing. We request the Department consider additional accommodation to the three-year maximum stay requirements given circumstances outside employers' control due ongoing pandemic restrictions.

The sheep industry in Montana and other western states rely on H-2A nonimmigrant workers, primarily from Peru, to help run their operations. Peru implemented severe travel restrictions when the COVID-19 pandemic began, which prevented eligible workers from traveling to the United States.

Peru has stopped all international travel to and from the country at least through September. And eligible H-2A workers already in the United States will reach their three-year maximums. This means many are no longer eligible to work and has resulted in substantial harm to Montana's sheep industry. The temporary rule extension issued on August 19, 2020 does not resolve this issue.

The COVID-19 pandemic has caused great damage to agricultural producers in Montana and across the country. The sheep industry is already facing extreme disruption following issues with meat processing. The H- 2A nonimmigrant visa program would help farmers and ranchers have a reliable and secure legal workforce as they cope with these challenges and feed America. Please consider an extension to maximum length of stay requirements or other accommodations to assist these employers as they continue to navigate the uncertainties caused by COVID-19 and international travel restrictions.

Sincerely,



Greg Gianforte
Member of Congress



Steve Daines
United States Senator



U.S. Citizenship
and Immigration
Services

October 6, 2020

The Honorable Greg Gianforte
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gianforte:

Thank you for your September 1, 2020 letter. Acting Secretary Wolf asked that I respond on his behalf.

The Department carefully considered whether it should extend the flexibilities for H-2A workers to remain in the United States beyond the three-year limitation, without first requiring them to remain outside of the United States for an uninterrupted period of three months. As explained in the August 20, 2020 temporary final rule, the Department determined it must strike a balance between providing stability to the U.S. food supply chain, addressing the urgent needs of U.S. agricultural producers, and ensuring that those aliens admitted into the United States as temporary H-2A workers remain in the United States on a temporary basis, as required by law.

We recognize that some nonimmigrants may unexpectedly be compelled to remain in the United States beyond their authorized period of stay due to travel restrictions and other disruptions. These aliens may be eligible to apply for a change of status to certain other categories before their authorized period of admission expires. We also note that H-2A workers have a 30-day period following the expiration of their H-2A petition to prepare for departure from the United States. The Department of Homeland Security will continue to monitor the situation and will determine whether continued flexibilities may be needed.

Thank you again for your letter. Senator Daines will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Respectfully,

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

Joseph Edlow
Deputy Director for Policy