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July 30th, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

RE: Request for for extention of petition validity - WAC2001850961

Dear Acting Secretary Wolf:

Trident Seafoods, Inc. (Trident) is a large, multi-national company that annually produces in excess of 1 billion lbs of wild caught, American-harvested seafood. Trident has not been immune to the market effects of the COVID19 pandemic. The economic disruption caused by COVID19 has had a ripple effect on the international supply chain, from the seafood harvesters to the consumer. The normal harvest of cod and pollock in western Alaska was drastically halted in March as the domestic and international markets were slowed, if not altogether, stopped. As international markets have slowly stabilized, Trident harvesters will be able to fish for their remaining cod and pollock quotas in late fall and early winter – non-traditional harvest times that would overlap Thanksgiving, Christmas, and New Years.

As such, from early-October to mid January, Trident will experience a tremendous and unforeseen labor need due to the exigent amounts of cod and pollock processing which needs to be performed at the Akutan facility (800 nautical miles west of Anchorage) because of the COVID19 pandemic. Trident needs to plan for maximum production and maximum employment participation in the cod processor job classification. Trident has a workforce in place of both domestic and H-2B visa holders. However, in non-COVID times, this workforce would be rotated out and return after the holidays. Concurrent to this is the confluence of the end of the Trident petition validity for the H-2B workforce under the current approved petition.

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Trident's Akutan processing facility is located in a small, island community where there is a small population. At present, the community of Akutan and the Trident facility has thus far been spared from the spread of COVID19. It is prudent to keep the existing workforce in place rather than risk COVID19 exposure by bringing in 1,300 new cod and pollock processors.

Trident Seafoods is therefore requesting an extension of 60 days for the validity period of the I-797 numbered WAC2001850961 in the interests of US food security and the health of the local community. As a reminder, DHS recognized that fishermen and seafood processing employees are "essential critical infrastructure workers" (declared in the [Krebs memo](#) from April 2020).

I thank you for your attention to this matter and for your service to the country during these difficult times.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Gannon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Gannon
Director of Legislative Affairs
UNITED WORK & TRAVEL



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

August 17, 2020

Brian Gannon
Director of Legislative Affairs
United Work & Travel
11155 Dolfield Boulevard, Suite 206
Owings Mills, MD 21117

Dear Mr. Gannon:

Thank you for your July 30, 2020 letter. Acting Secretary Wolf asked that I respond on his behalf.

In your letter, you request a 60-day extension for an H-2B petition (WAC2001850961) to meet unforeseen labor needs with cod and pollock processing at your Akutan facility due to the coronavirus pandemic. In the absence of a filed H-2B petition supported by an approved temporary labor certification, U.S. Citizenship and Immigration Services (USCIS) cannot adjudicate your request for an extension.¹ The Department of Homeland Security's regulations require an employer to file an H-2B petition with USCIS to request the extension of an alien's nonimmigrant status and employment authorization. The H-2B petition must be accompanied by an approved temporary labor certification from the Secretary of Labor.²

In response to the COVID-19 pandemic, DHS published a temporary final rule to change H-2B requirements for certain eligible H-2B employers and workers to help secure the U.S. food supply chain and reduce the economic impact of the COVID-19 public health emergency.³ Under this temporary final rule, an H-2B petitioner with an approved temporary labor certification from the Department of Labor can start employing H-2B workers already in the United States for positions essential to the U.S. food supply chain, immediately after USCIS receives the H-2B petition and required documentation, but no earlier than the start date of employment listed on the petition.

Additionally, the temporary final rule allows certain H-2B workers who are essential to the food supply chain to stay beyond the three-year maximum allowable period of stay in the United States. H-2B employers and U.S. agents can request the flexibilities authorized under the temporary final rule through September 11, 2020. H-2B workers who are seeking an extension with the same employer may continue employment while the properly filed H-2B petition

¹ Our website provides additional information at www.uscis.gov.

² 8 CFR 214.2(h)(6)(iv).

³ Temporary Changes to Requirements Affecting H-2B Nonimmigrants Due to the COVID-19 National Emergency, 85 Fed. Reg. 94 (May 14, 2020).

Mr. Brian Gannon
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remains pending with USCIS for a period not to exceed 240 days.⁴ If the H-2B petition is denied prior to the end of this 240-day period, the employment authorization will automatically terminate upon notification of the denial decision.

Thank you again for your letter and your interest in this matter. Should you require any additional assistance, please have your staff contact the USCIS Public Engagement Division at public.engagement@uscis.dhs.gov.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by 'E' and a long horizontal flourish.

Joseph Edlow
Deputy Director for Policy

⁴ 8 CFR 274a.12(b)(20).