



The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
Washington, DC 20528

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By ESEC External at 10:33 am, Nov 24, 2020

November 23, 2020

Re: Westward Seafoods, Inc., petition for foreign labor

Honorable Chad F. Wolf -

It appears that Westward Seafoods, Inc petition for foreign labor did not get selected for visas to perform work that is essential to the U.S. food supply chain prior to the statutory numerical limit being hit on on November 16, despite having been delivered to the USCIS California Processing Center at 9:24 A.M that same morning.

Westward Seafoods is fully dependent on an H2B visa workforce because of the disruptions and uncertainty caused by the global novel Coronavirus 2019 (COVID-19). The pandemic has rendered domestic recruitment almost unavailable. While the pandemic is worsening, so too is the availability of recruiting domestic workers for food processing jobs.

Westward Seafoods is not an insignificant business, but rather one that annually purchases and processes more than 400 million lbs of wild fish from American fishermen in Western Alaska. They are a key economic driver in Dutch Harbor, Alaska and the region. Failure to be staffed will be economically catastrophic to their operations, to community stakeholders, and to the men and women that deliver fish to Westward.

We are requesting flexibilities and/or Secretarial Discretion in bringing returning H2B visa workers back from Europe that were with Westward Seafoods during the last 2020 season, including through the depths of the pandemic. Westward Seafoods holds current labor certification from the Department of Labor. As cod and pollock will not wait for the tides of bureaucracy to change, your help is urgently needed to approve the I-129 petition on behalf of Westward Seafoods, Inc.

Thank you for your attention to this matter. I look forward to hearing from you as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Gannon", with a horizontal line extending to the right.

Brian Gannon
Director of Legislative Affairs
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U.S. Citizenship
and Immigration
Services

December 4, 2020

Brian Gannon
Director of Legislative Affairs
United Work & Travel
11155 Dolfield Blvd, Suite 216
Owings Mills, Maryland 21117

Dear Mr. Gannon:

Thank you for your November 23, 2020 letter. Acting Secretary Wolf asked that I respond on his behalf.

U.S. Citizenship and Immigration Services (USCIS) appreciates the difficulty H-2B petitioners experience when the H-2B cap is reached prior to their request for temporary nonagricultural workers being approved. As you are likely aware, Congress has set the H-2B cap at 66,000 per fiscal year, with 33,000 for workers who begin employment in the first half of the fiscal year (October 1 - March 31) and 33,000 (plus any unused numbers from the first half of the FY for H-2B workers who begin employment in the second half of the fiscal year (April 1 - September 30)).

On November 18, 2020, USCIS announced that it received enough petitions to reach the congressionally mandated cap on H-2B visas for temporary nonagricultural workers for the first half of FY 2021. November 16 was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date before April 1, 2021. In accordance with DHS regulations, USCIS determined it was necessary to use a computer-generated process, commonly known as a lottery, to ensure the fair and orderly allocation of H-2B visa numbers to meet, but not exceed, the cap for the first half of FY 2021. On November 18, USCIS conducted a lottery to randomly select petitions from those received on November 16. As a result, USCIS assigned all petitions selected in the lottery the receipt date of November 18. Premium processing service for petitions selected in the lottery also began on that date.

While USCIS does not have authority to allocate H-2B visa numbers in excess of the cap or to provide flexibilities or discretion to approve a petition for returning workers from Europe, it is important to note that USCIS continues to accept H-2B petitions that are exempt from the congressionally mandated cap. This includes the following types of petitions:

- Current H-2B workers in the U.S. who are extending their stay and, if applicable, changing the terms of their employment or changing their employers;
- Fish roe processors, fish roe technicians, and/or supervisors of fish roe processing; and

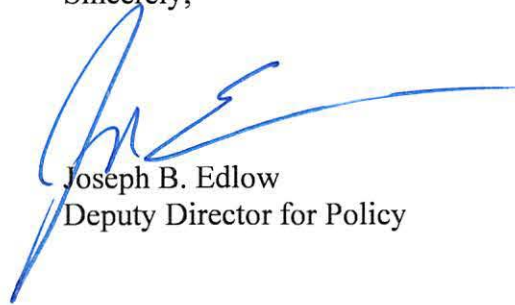
Brian Gannon

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- Workers performing labor or services in the Commonwealth of Northern Mariana Islands and/or Guam from November 28, 2009, until December 31, 2029.

Thank you again for your letter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Edlow', with a long horizontal flourish extending to the right.

Joseph B. Edlow
Deputy Director for Policy