

Town of Wellfleet Selectboard

300 Main Street

Wellfleet MA 02667

508-349-0300



Cape Cod and other summer seasonal destinations lack the workforce necessary to meet the demand for seasonal workers. In the last two years, small businesses have been severely impacted due to the lack of staff. Due to the novel Coronavirus, the summer work travel J1 Visa program was effectively paused. This resulted in severe constraints being imposed on many businesses, forcing them to cut the overall number of hours they are open, delaying when they open for the season, closing early or reducing the number of offerings, and the quality of their services. It is critical to emphasize that a reduction of business hours negatively impacts earning potential of the US workers employed in those businesses and damages the financial health of business and business owners. This is a real hardship imposed on business due to the lack of staff. Business owners are profoundly weary from working seven-day weeks to cover their staff shortages. The lack of staff also significantly increases the stresses imposed on overworked local workers impacting their mental health.

Cape Cod has long relied on diverse sourcing of its workforce with local employees, seasonal workers, such as college students, students on summer work travel J1 Visas, and H2B employees. This diverse pool of staff is highly valued and significantly enriches the area's cultural life. Many businesses fly flags for each country, territory, and state represented in their workforce. Cape Cod has drawn on H2B employees from different Caribbean Islands and J1 employees from Eastern Europe, Thailand, and the Caribbean Islands. We have a long-standing connection to the countries embodied in the Russian Invasion of Ukraine and have fostered an immensely significant cultural exchange between different nationalities, peoples, and religions.

It is distressing witnessing the Russian Invasion of Ukraine and knowing that people we have hosted, befriended, and fostered friendships between are now at war and that people we know and care about are directly in harm's way. We are gravely concerned about the steady escalation of the conflict on the part of Russia. We condemn the actions of Russia and Belarus.

Summer work travel J1 Visa availability closely aligns with the season of summer destinations. In 2019 prior to the pause, there were 6,007 J1 students from Russia, Belarus, and Ukraine. Many of these students have already been placed, and businesses counted on their availability for this coming summer season. Student-employees from these countries will not be coming now due to the conflict.

To offset this loss of summer work travel J1 Visas, we ask for the cap on H2B Visas for the second half of the fiscal year (April 1 – Sept. 30) to be raised from 33,000 to 39,000. We urge timely and prompt action to insulate our local economy and the economies of other summer destinations from the impacts of this conflict which are uniquely vulnerable. Increasing the cap for H2B employees in the second half of the fiscal year will significantly relieve the labor shortage caused by this conflict. Hiring H2B employees is a process, and employers need time to go through that process.

Sincerely,
The Wellfleet Selectboard



Ryan Curley, Chair



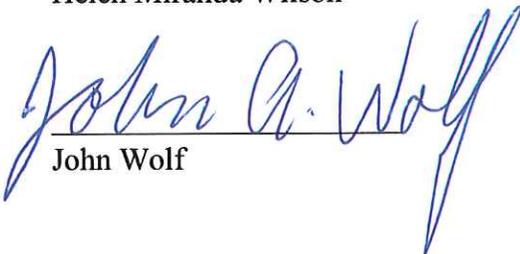
Michael DeVasto, Vice Chair



Janet Reinhart



Helen Miranda Wilson



John Wolf



U.S. Citizenship
and Immigration
Services

April 27, 2022

Ryan Curley
Chair
Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667

Dear Mr. Curley:

Thank you for your April 8, 2022, letter urging the issuance of additional H-2B nonagricultural worker visas to help address labor shortages facing Cape Cod this upcoming summer season, made worse by the fact that many J-1 exchange visitors will not be able to travel to the United States due to COVID-19 and the conflict in Ukraine.

U.S. Citizenship and Immigration Services (USCIS) appreciates the concerns you raised regarding the labor challenges facing summer seasonal destinations. As you may know, on December 20, 2021, the Department of Homeland Security (DHS) announced a supplemental increase of 20,000 visas for the H-2B program for U.S. employers seeking to employ additional workers on or before March 31, 2022. As in prior years, DHS consulted with the Department of Labor (DOL) to ensure that the supplemental increase does not adversely affect the wages and working conditions of U.S. workers. These additional visas are available to workers whose employers filed petitions on or before March 31, 2022, as set forth in the temporary final rule that was published in the *Federal Register* on January 28, 2022.¹

In addition, on March 31, 2022, DHS and DOL announced the upcoming allocation of an additional 35,000 H-2B visas to help support American businesses and promote legal immigration pathways to those seeking to come to work in the United States.² These visas will be made available to U.S. employers seeking to employ H-2B workers on or after April 1, 2022, through September 30, 2022. Both Departments place a high priority on strong worker and wage protections and anticipate the joint temporary final rule authorizing these additional visas will publish in the very near future.

¹ DHS, USCIS, *Exercise of Time-Limited Authority To Increase the Fiscal Year 2022 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, 87 FR 4722 (Jan. 28, 2022)

² See *DHS and DOL to Supplement the H-2B Cap with Additional Visas for Second Half of Fiscal Year 2022* available online at <https://www.uscis.gov/newsroom/all-news/dhs-and-dol-to-supplement-the-h-2b-cap-with-additional-visas-for-second-half-of-fiscal-year-2022#:~:text=The%20supplemental%20H%2D2B%20visa,the%20last%20three%20fiscal%20years>

Moreover, while the congressionally mandated H-2B cap for the second half of fiscal year 2022 was reached on February 25, 2022, USCIS continues to accept H-2B petitions that are exempt from the congressionally mandated cap. These include petitions for current H-2B workers in the United States who wish to extend their stay and, if applicable, change the terms of their employment or their employers.

Thank you again for your letter and interest in this important issue. Please share this response with the other individuals that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

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

Ur M. Jaddou
Director