



Peter Franchot
Comptroller

February 24, 2022

The Honorable Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20588

RE: H-2B Seasonal Visa Program and its Impact on Maryland

Dear Director Jaddou:

As Comptroller of Maryland and as the state's Chief Fiscal Officer, I write to express my strong concerns regarding the H-2B Seasonal Visa Program and its impact on Maryland's Seafood Industry and our economy and implore you and the USCIS to address this devastating problem immediately.

Labor shortages and the ongoing COVID-19 pandemic have already posed significant challenges to our seafood industry, made only worse by USCIS' inconsistent and unexplainable pattern of disapproving applications for the H-2B program. While this pattern began under the previous administration, it is regrettable that it has continued under the current administration and under your leadership.

Maryland is globally renowned for its seafood industry, particularly its Maryland blue crabs. Our state's rich history, culture, and economy are directly tied to the Chesapeake Bay and its bountiful seafood, and generations of watermen and family-owned businesses have harvested and processed delicious seafood from the Bay for the enjoyment of millions across our state, our nation, and our world.

As Governor Hogan noted in a recent letter to our Congressional Delegation, only *one* crab processing facility in Maryland is set to receive critically needed H-2B visa seasonal workers for the 2022 season. With the peak seafood harvest and processing season just around the corner, the failure of USCIS to address current policies and patterns concerning the awarding of H-2B visas will result in devastating economic consequences. Through no fault of their own, businesses in the seafood harvesting and processing industry that have operated for decades will be forced to shutter their doors for good – leading to layoffs of permanent and temporary workers; increased unemployment in communities and counties that are already experiencing economic challenges; a significant decrease in revenue generated from economic activity that fund our schools, public safety programs, and other critical government priorities; and shortage of and cost increases to seafood products at a time when Marylanders and Americans are already feeling the financial brunt of cost increases at the grocery store, gas pump, and with other critical needs.

Maryland's Seafood Industry has long relied on temporary seasonable workers through the H-2B program to support its peak season. The unfortunate situation we find ourselves in today is one that is completely avoidable. According to a survey conducted by the Chesapeake Bay Seafood Industry Association and the Maryland Department of Agriculture, Maryland's seafood entities expect **seasonal labor for this year's crab-packing season to be the most challenging ever**. The same report cautions that without additional seasonal temporary labor support, the industry expects to **lose up to 1,397 Maryland jobs and a reduction of \$141 million in economic activity**.

By simply increasing the number of H-2B visas that your agency approves – as a bipartisan group of governors have urged the Biden Administration to do – USCIS can single-handedly prevent what will surely be an unnecessary and devastating blow to Maryland's Seafood Industry, our economy, and the thousands of Marylanders and small businesses whose livelihoods depend on this industry's continued success.

I would encourage you to engage with the businesses and Marylanders who are directly impacted by USCIS' ongoing policies concerning the H-2B Seasonal Visa Program. I am certain that after hearing from them directly, the Biden Administration will do the right thing and increase the number of applications approved under this program.

Thank you for your attention on this critically important and urgent matter.

please fix this.

Sincerely,

PETER FRANCHOT
Comptroller of Maryland



U.S. Citizenship
and Immigration
Services

March 21, 2022

Peter Franchot
Comptroller of Maryland
80 Calvert Street, P.O. Box 466
Annapolis, Maryland 21404

Dear Mr. Franchot:

Thank you for your February 24, 2022 letter to U.S. Citizenship and Immigration Services (USCIS) urging the agency to address labor shortages facing the Maryland seafood industry.

USCIS appreciates the concerns you raised regarding the labor challenges facing Maryland seafood businesses. To address such labor challenges, 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 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 now available in accordance with the temporary final rule published in the *Federal Register* on January 28, 2022.¹ DHS will assess, in consultation with DOL, the need to make additional H-2B visas available.

Please note that 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.

As to your letter's claims of certain concerning patterns of H-2B petition denials, USCIS adjudicates petitions consistent with current DHS regulations governing the H-2B program. These regulations set the annual statutory cap of 66,000 H-2B visas, but also state that DHS, in consultation with DOL, has Congressional authority to issue supplemental H-2B visas. We appreciate the concerns you raised and, as always, will continue to work to provide consistent and timely decisions on all cases before the agency.

¹ 87 Fed. Reg. 4722 (Jan. 28, 2022), <https://www.federalregister.gov/documents/2022/01/28/2022-01866/exercise-of-time-limited-authority-to-increase-the-fiscal-year-2022-numerical-limitation-for-the>.

Thank you again for your letter and interest in this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director