

United States Senate

731 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2204

February 8, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

RECEIVED

By ESEC at 12:56 pm, Feb 08, 2022

Dear Secretary Mayorkas,

I am writing to you on behalf of Michigan business owners who have contacted my office with concerns about a shortage of workers for the upcoming season. Like previous years, the H-2B seasonal worker visa cap was reached almost immediately after the application period was opened for the second half of this year. I urge you, in consultation with the Secretary of Labor, to use your existing statutory authority to swiftly process and release a sufficient number of H-2B seasonal worker visas to help ensure a successful season for Michigan's small and seasonal businesses.

I understand and recognize the need for reforms to the H-2B seasonal worker program. I strongly support efforts to bring stakeholders to the table to ensure the program protects U.S. workers and operates fairly and efficiently. As these efforts take shape, it is important that we ensure businesses can continue to operate at full capacity during their peak seasons.

Small and seasonal businesses are essential to Michigan's economy and to communities across the state. I encourage you to act without further delay to make an adequate number of H-2B visas available to Michigan businesses. Thank you for your prompt attention to this matter.

Sincerely,



Debbie Stabenow
United States Senator



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

February 16, 2022

The Honorable Debbie Stabenow
United States Senate
Washington, DC 20510

Dear Senator Stabenow:

Thank you for your February 8, 2022 letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf.

In your letter, you emphasized the importance of the H-2B Temporary Nonagricultural Worker Program for small and seasonal businesses in Michigan, and you stressed the overall importance of these businesses to Michigan's economy. Your letter urges DHS, in consultation with the U.S. Department of Labor (DOL), to make additional visas available in the second half of the fiscal year.

DHS appreciates the concerns you raised regarding the challenges faced by and the need to make additional visas available in the second half of fiscal year 2022 for H-2B nonimmigrant labor for small and seasonal businesses. To the extent it has statutory authority and should Congress again authorize supplemental H-2B visas, DHS will engage in consultation with DOL and endeavor, moving forward, to ensure that American businesses are equipped with the resources needed to recover successfully and contribute to the economic health of local communities, including those in your state of Michigan.

As you likely are aware, on January 28, 2022, DHS and DOL published a joint temporary final rule to provide 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 DOL to assess labor demands and balance the interest of U.S. workers.

Please also note that U.S. Citizenship and Immigration Services (USCIS) continues to accept H-2B petitions that are exempt from the congressionally mandated cap. These include, among others, 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 change their employers.

The Honorable Debbie Stabenow
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Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a horizontal line extending to the right.

Ur M. Jaddou
Director