

Congress of the United States
House of Representatives
Washington, DC 20515-5400

January 3, 2023

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, D.C. 20528

The Honorable Martin J. Walsh
Secretary
Department of Labor
Washington, D.C. 20210

Dear Secretary Mayorkas and Secretary Walsh:

Over the past five years, Puerto Rico has faced several disasters that require additional reconstruction effort workers. As of today, the Federal Emergency Management Agency has allocated close to \$40 billion in federal funds for the Island,¹ in addition to \$2.265 billion that have been announced for transportation and infrastructure investments. According to the Associated General Contractors of America – Puerto Rico Chapter (AGC-PR), 50,000 additional workers will be needed to complete this federal investment in a 10-year period. As such, in order to meet the dire reconstruction and modernization of infrastructure needs of the Island, we respectfully request that you include workers from our Western Hemisphere Partner, the Dominican Republic, as eligible for supplemental H-2B visas beyond the annual statutory cap for workers under the regulation of October 12, 2022.

In October 2022, Puerto Rico's labor force participation rate was 43.3%.² According to the Puerto Rico Builders Association, the construction sector has lost over 40% of its labor force while other industries, such as tourism and hospitality, are facing worker shortages due to the migration of the workforce eligible population to the continental United States. Unless this worker shortage is resolved promptly, the recovery process in Puerto Rico will continue to be severely impacted while costs for projects continue to increase.

Allowing additional H-2B temporary nonagricultural worker visas for fiscal year (FY) 2023, on top of the 66,000 H-2B visas that are normally available each fiscal year from other countries, especially our Hemispheric partners such as the Dominican Republic, for the purpose of recovery and reconstruction efforts in Puerto Rico and other areas around the country will alleviate current shortages and speed up reconstruction efforts. Therefore, and in accordance with all applicable laws, rules, and regulations, we request that the Department of Homeland Security and the Department of Labor use their Congressional authority to include workers from the Dominican Republic as eligible for supplemental H-2B visas beyond the annual statutory cap for workers under the regulation of October 12, 2022.³ This will assist U.S employers meet reconstruction goals and promote economic growth, while also strengthening our relationship with a key regional partner in the Caribbean.

¹<https://www.fema.gov/emergency-managers/national-preparedness/frameworks/national-disaster-recovery/support-functions/rsflg/state-profiles>

²<https://www.mercadolaboral.pr.gov/lmi/pdf/Grupo%20Trabajador/2022/EMPLEO%20Y%20DESEMPLEO%20EN%20PUERTO%20RICO%202010.pdf>

³<https://www.dhs.gov/news/2022/10/12/dhs-supplement-h-2b-cap-nearly-65000-additional-visas-fiscal-year-2023>

Thank you for your attention to this important matter.

Sincerely,



Jenniffer González-Colón
Member of Congress



Adriano Espaillat
Member of Congress



Maria Elvira Salazar
Member of Congress



Darren Soto
Member of Congress



Mario Diaz-Balart
Member of Congress



Ritchie Torres
Member of Congress



U.S. Citizenship
and Immigration
Services

February 14, 2023

The Honorable Jenniffer González-Colón
U.S. House of Representatives
Washington, DC 20515

Dear Representative González-Colón:

Thank you for your January 3, 2023 letter to the Department of Homeland Security (DHS) regarding Puerto Rico's reconstruction and the benefit of H-2B workers from the hemisphere, such as the Dominican Republic, to that recovery effort. Secretary Mayorkas asked that I respond on his behalf.

On November 10, 2022, DHS published a Notice identifying those countries whose foreign nationals are eligible to participate in the H-2A and H-2B programs from November 10, 2022 through November 9, 2023.¹ As outlined in the Notice, nationals of the Dominican Republic are eligible to participate in both programs.

On December 15, 2022, DHS published a temporary rule that increased the total number of noncitizens who may receive an H-2B nonimmigrant visa by up to, but no more than, a total of 64,716 for the entirety of FY 2023.² Nationals of the Dominican Republic are likewise eligible for these visas. We have placed your comments in the rulemaking docket for that rule and will consider them as part of the rulemaking process.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. 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".

Ur M. Jaddou
Director

¹ Identification of Foreign Countries Whose Nationals are Eligible to Participate in the H-2A and H-2B Nonimmigrant Worker Programs, 87 Fed. Reg. 67,930 (Nov. 10, 2022).

² Exercise of Time-Limited Authority to Increase the Numerical Limitation for FY 2023 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking to Change Employers, 87 Fed. Reg. 76,819 (Dec. 15, 2022).