

United States Senate

WASHINGTON, DC 20510

February 27, 2017

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Mr. Edward Hugler
Acting Secretary
U.S. Department of Labor
Washington, DC 20210

Dear Secretary Kelly and Acting Secretary Hugler:

H-2B visas, which certify immigrants to work temporarily in the United States, are heavily relied upon by Maine's many tourism and hospitality businesses that are in need of seasonal, temporary workers beyond the number that they can hire in our state and region. In many cases, the continued employment of their full-time, year-round workers also depends on the availability of temporary workers during their peak seasons. Many of these businesses have contacted our offices to express concern that the 33,000 numerical cap for H-2B visas for the first half of this fiscal year was reached on January 10, 2017.

In fact, newly released Department of Labor (DOL) processing statistics suggest that many employers with a date of need later than April 1, 2017, could be capped out of the program this year. As Maine's tourism season starts later than of many other businesses participating in the program, the cap will likely be met before many Maine businesses are able to get their workers. Combined with the low unemployment rate in our state, the effect could be catastrophic for Maine's businesses.

Accordingly, we urge the Department of Homeland Security to conduct an immediate audit of the number of unused visas from the first half of Fiscal Year 2017—and if you find that the full 33,000 visas were not actually issued during the first half of fiscal 2017, to make sure that those visas are available as soon as possible for the second half of the fiscal year. For reference, in 2015, after previously announcing that the statutory cap had been reached, DHS determined that more than 5,000 unused visas were available. Soon thereafter, the agency began accepting applications from businesses still hoping to hire workers through the program.

In addition, we have heard that some of the Maine businesses that filed their H-2B visa applications during the first week of January have encountered significant delays, due to a backlog in H-2B petitions at DOL. The delays in the certification process that applicants are currently experiencing impair the ability of employers to hire foreign workers when needed, and create instability for small businesses that depend on temporary and seasonal workers. Accordingly, we urge DOL to allow affected employers in Maine to request emergency procedures of their currently pending applications, as DOL did last year in response to a similar backlog and delay.

We would appreciate your prompt attention to this matter, as many businesses in our state depend on the H-2B program. Should you have any questions, please contact us directly or have your staff contact Jay Lim of Senator Collins' staff at (202) 224-2523, or Sanjay Kane of Senator King's staff at (202) 224-5344.

Sincerely,



Susan M. Collins
United States Senator



Angus S. King, Jr.
United States Senator