

# Congress of the United States

Washington, DC 20515

April 18, 2023

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
3801 Nebraska Ave NW  
Washington, D.C. 20016

The Honorable Ur M. Jaddou  
Director  
U.S. Citizenship and Immigration Services  
U.S Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD 20588

Dear Secretary Mayorkas and Director Jaddou,

We are deeply concerned with the recently published Department of Homeland Security (“DHS”) Notice of Proposed Rulemaking (“NPRM”) to increase application fees charged by U.S. Citizenship and Immigration Services (“USCIS”) for employment-based visas and institute a \$600 Asylum Program Fee on every petition. We understand USCIS is primarily funded through user fees and must occasionally review those fees to determine if they are still sufficient to cover the cost of processing petitions. However, at a time with record low unemployment, small U.S. employers using the H-2B and H-2A non-immigrant visa programs will be adversely impacted by these proposed fee increases.

Employers who rely on the H-2B and H-2A non-immigrant visa programs do so because they cannot hire U.S. workers to fill the needed positions. They turn to these programs to ensure they have the workforce needed to operate their business and contribute to our communities. These programs are a last resort to going out of business or curtailing expansion. Placing the burden of paying for the Asylum Program on employers trying to hire a legal workforce is unconscionable.

Additionally, the proposal to change premium processing from 15-calendar days to 15-business days is concerning as visa processing delays already cause uncertainty for employers who are trying to maintain their workforce. This proposed change is only exacerbated by the Department of Labor’s (“DOL”) lack of ability to process H-2B and H-2A applications in a timely manner in the second half of the fiscal year. Even adding four days to the premium processing timing, after waiting months for DOL to issue a labor certification, will be detrimental to small and seasonal businesses that participate in the H-2B and H-2A programs. This is exacerbated by the fact that visas for small and seasonal H-2B and H-2A business are only valid less than a year.

The proposed rule asserts these shifts are the result of an ability-to-pay model, but in reality, these changes would burden small and seasonal U.S. businesses, not multinational billion-dollar corporations who utilize other visa categories such as the H-1B and L visas. Instead, the agency is planning to make farmers, landscapers, and small family businesses pay for the cost of the Asylum Program. The proposed fee increases, in addition to the Asylum Program Fee, is too much for small and seasonal U.S. businesses.

The federal government should do whatever it can to support small and seasonal U.S. businesses. The proposed rule changes are unacceptable in their current state as they only bring additional expenses without providing any additional support. We demand that you properly take into consideration the detrimental effects these fee increases will have on small and seasonal businesses as you adjust the final rule. We would support USCIS restarting its entire rule making process if it were necessary to ensure that the final rule does not include the fee increases to H2-B and H-2A visa programs. Thank you for your attention to this matter and we look forward to seeing these suggested changes implemented in a final rule.

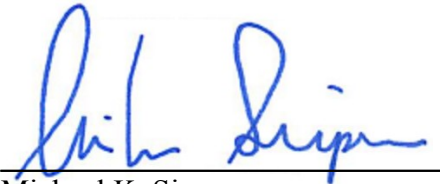
Sincerely,



Chris Pappas  
Member of Congress



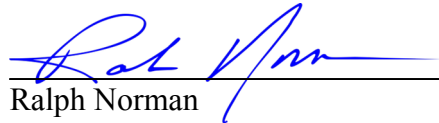
David G. Valadao  
Member of Congress



Michael K. Simpson  
Member of Congress



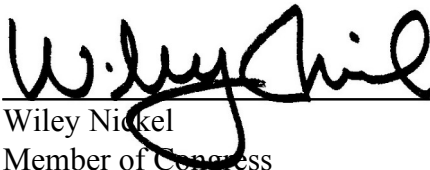
Dan Newhouse  
Member of Congress



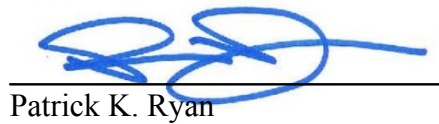
Ralph Norman  
Member of Congress



Nicole Malliotakis  
Member of Congress



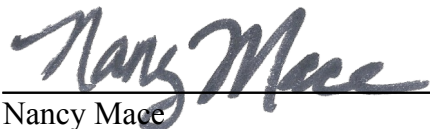
Wiley Nickel  
Member of Congress



Patrick K. Ryan  
Member of Congress



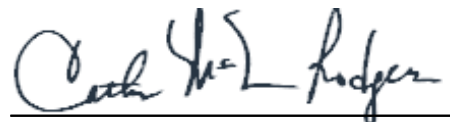
Maria Elvira Salazar  
Member of Congress



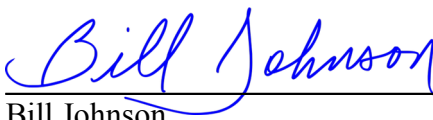
Nancy Mace  
Member of Congress



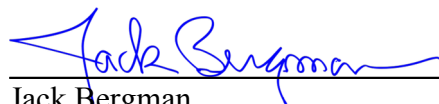
Pete Stauber  
Member of Congress



Cathy McMorris Rodgers  
Member of Congress



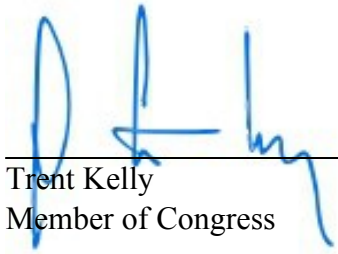
Bill Johnson  
Member of Congress



Jack Bergman  
Member of Congress

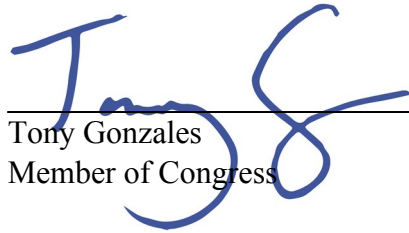


Charles J. "Chuck" Fleischmann  
Member of Congress



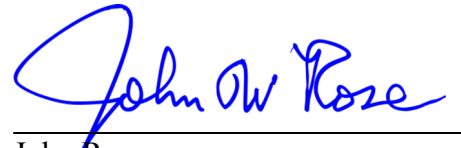
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Trent Kelly  
Member of Congress



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Tony Gonzales  
Member of Congress



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John Rose  
Member of Congress




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Austin Scott  
Member of Congress




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Lisa C. McClain  
Member of Congress



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Barry Moore  
Member of Congress



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Rick W. Allen  
Member of Congress



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Diana Harshbarger  
Member of Congress



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Julia Letlow  
Member of Congress



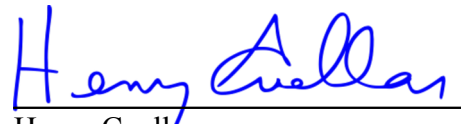
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John R. Moolenaar  
Member of Congress



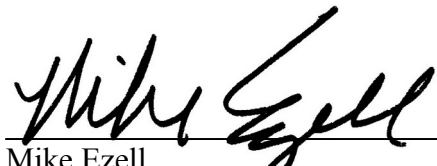
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James Comer  
Member of Congress



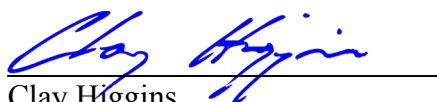
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Henry Cuellar  
Member of Congress



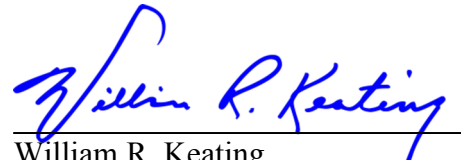
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Mike Ezell  
Member of Congress



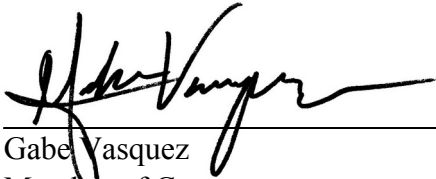
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Clay Higgins  
Member of Congress



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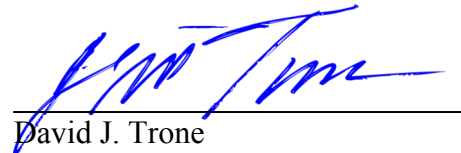
William R. Keating  
Member of Congress



Gabe Vasquez  
Member of Congress



Kim Schrier, M.D.  
Member of Congress



David J. Trone  
Member of Congress



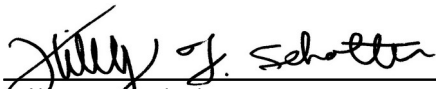
Andy Harris, M.D.  
Member of Congress



Nick LaLota  
Member of Congress



Vicente Gonzalez  
Member of Congress



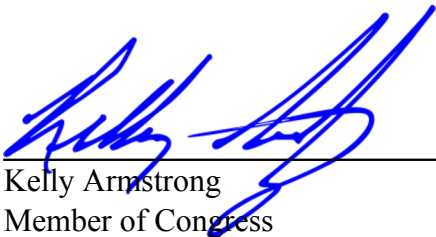
Hillary J. Scholten  
Member of Congress



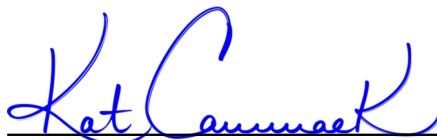
Chrissy Houlahan  
Member of Congress



Eric A. "Rick" Crawford  
Member of Congress




Kelly Armstrong  
Member of Congress



Kat Cammack  
Member of Congress



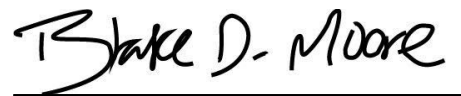
Ann McLane Kuster  
Member of Congress



William R. Timmons, IV  
Member of Congress



Marie Gluesenkamp Perez  
Member of Congress



Blake D. Moore  
Member of Congress



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Jim Costa  
Member of Congress



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A. Drew Ferguson IV  
Member of Congress



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Michael V. Lawler  
Member of Congress



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Mike Carey  
Member of Congress



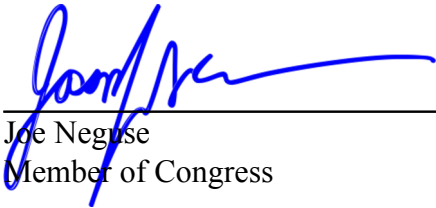
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Mike Flood  
Member of Congress



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Chellie Pingree  
Member of Congress



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Joe Neguse  
Member of Congress