

Congress of the United States
Washington, DC 20515

October 18, 2013

Mr. Alejandro Mayorkas
Director, U.S. Citizens and Immigration Services
20 Massachusetts Avenue, NW
Room 4008, Mail Stop 2150
Washington, DC 20529

Dear Director Mayorkas:

Thank you for your attention to the urgent matter of processing backlogged H-2A visa applications pending for the upcoming harvest season in critical fruit and vegetable production regions, particularly Florida and the southwestern United States. It is critical that these visas receive priority handling, more so than others because without the workforce food will literally rot on the vine. America has already suffered cutbacks because of the government shutdown; it needn't suffer reduced availability of fresh food because the workforce isn't available to harvest it.

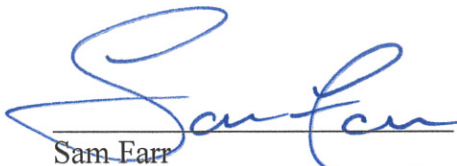
Therefore, we respectfully request USCIS to consider implementation of the following:

1. **Extra Personnel.** Just as the Department of Labor will have to deal with an incredible backlog of H-2A applications, so will USCIS. We ask that you reallocate USCIS personnel as necessary to process more applications and to do so more quickly than in the normal course of business. It is especially important that H-2A applications receive priority treatment as these workers must undergo a more rigorous, lengthy process than visa extension request or renewals. Additionally, the work these laborers will do is time sensitive: the longer it takes to get them into the United States, the greater the risk of lost seasonal crops.
2. **Non-Original Signatures on Foreign Labor Certifications.** We want to confirm that USCIS will adjust its processing practice during this backlog to allow the use of scanned or digital foreign labor certifications, in lieu of original documentation. As you know, no certifications for foreign labor were processed during the recent government shutdown. As we resume regular operational status, the Office of Foreign Labor Certification in the Department of Labor is expected to increase staff to accommodate the surge of applications awaiting certification. As one way to expedite processing, DOL has indicated it will allow the OFLC to scan the certifications into .pdf documents and email them directly to the grower petitioners. The grower petitioners will then be able to print out those certifications, attach them to the I-129 applications and courier them over to USCIS intake centers in a single day. This will streamline the process, helping to recover the valuable time lost during the shutdown.
3. **Sharing Receipt Numbers with the Petitioners in a Timely Manner.** We ask that USCIS share receipt numbers with the petitioners on the same day the petitions are logged in. As H-2A petitions arrive at USCIS from DOL, they are assigned a unique

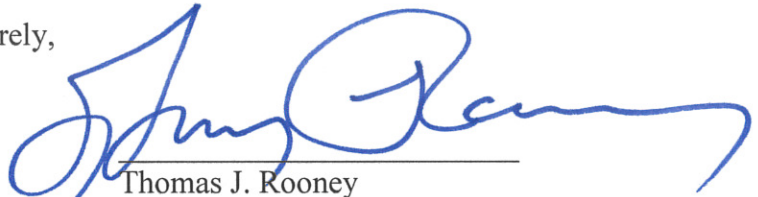
receipt number, often referred to as a WAC#. This receipt number accompanies the petition through USCIS and from there to the Consular Department at the State Department. The Consular then arranges interview dates with the employer for visa processing. Presently, the receipt number is not available to the petitioner until the petition is approved—often 1 week or more from the date of filing with USCIS. We are asking USCIS to email the petitioner with the receipt number on the same date that the petition is filed—similar to what is done with the Premium Processing Unit at USCIS. Doing so will allow the petitioner to tentatively reserve group interviews for its workers with the appropriate consulate office. Those interview dates would then be confirmed and held open for the petitioner and H-2A workers could prepare in advance for when USCIS has approved the petition. In doing so, this would streamline expedite the process in which workers obtain the necessary visas. It goes without saying that time is of the essence as the winter crop harvesting season begins this November.

Your immediate attention to these matters is greatly appreciated. Please let us know as rapidly as possible the intent of USCIS to meet these three requests. You may reach out to us directly or alternatively to our staff (Rochelle Dornatt with Representative Farr at 202-225-2861 or Rochelle.Dornatt@mail.house.gov, or Danielle Beck with Representative Rooney at 202-225-5792 or Danielle.Beck@mail.house.gov). Thank you for your consideration of this request.

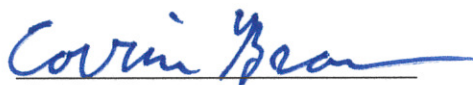
Sincerely,



Sam Farr
Member of Congress




Thomas J. Rooney
Member of Congress



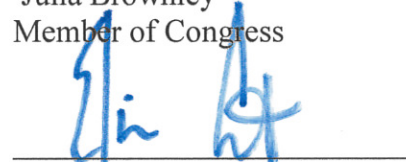
Corrine Brown
Member of Congress



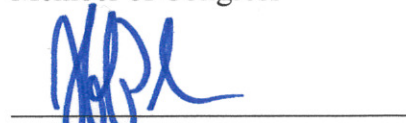
Julia Brownley
Member of Congress



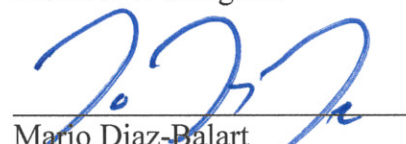
Lois Capps
Member of Congress




Jim Costa
Member of Congress



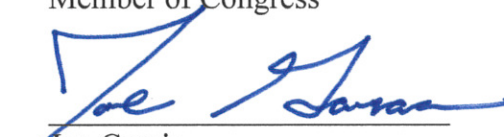
Jeff Denham
Member of Congress



Mario Diaz-Balart
Member of Congress



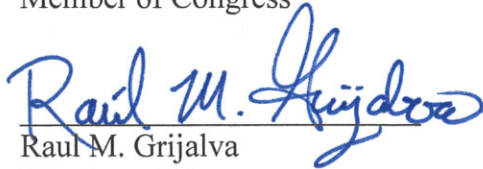
John Garamendi
Member of Congress



Joe Garcia
Member of Congress



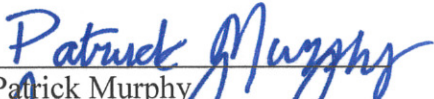
Chris P. Gibson
Member of Congress



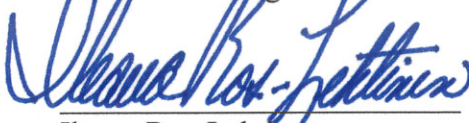
Raul M. Grijalva
Member of Congress



Gloria Negrete McLeod
Member of Congress



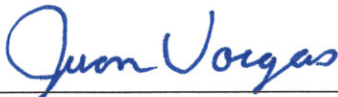
Patrick Murphy
Member of Congress



Ileana Ros-Lehtinen
Member of Congress




Steve Southerland II
Member of Congress



Juan Vargas
Member of Congress



Lois J. Frankel
Member of Congress



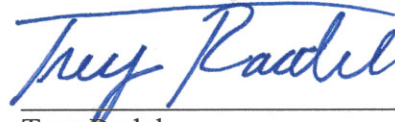
Paul A. Gosar
Member of Congress



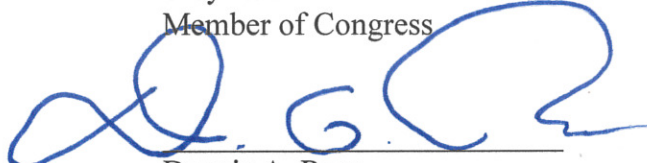
Alcee L. Hastings
Member of Congress



Jerry McNerney
Member of Congress



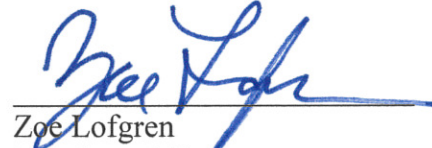
Trey Radel
Member of Congress



Dennis A. Ross
Member of Congress



David Valadao
Member of Congress



Zoe Lofgren
Member of Congress