



March 9, 2016

Dear California Senators and Representatives,

The fresh produce industry in California has increasingly relied on the H-2A visa program to address labor shortages in the state. For years, there have been a number of bureaucratic challenges and efficiency concerns which present significant barriers to growers being able to rely on this program. Currently, growers in California are facing increasing delays on the basic processing timelines of H-2A visa requests. This crisis will have an increasingly negative impact on constituents in your districts if not remedied immediately.

Recent legislative changes to the H-2B program have led to processing delays in that program, and while we have been told that delays in H-2A are not directly related, a specific reason for the current delays has not been provided.

The Department of Labor (DOL) is statutorily required to certify a complete H-2A application no more than 30 days before an employer's date of need. Since the beginning of the year, of more than 50 applications, only one was certified on time. In nearly 40 percent of the cases the DOL is more than 10 days behind their statutory commitment for certifying applications in California. Under the current circumstances, the agency is clearly failing to meet its statutory obligations for the program.

Exacerbating the crisis, a similar backup is being encountered at the United States Citizenship and Immigration Service (USCIS). Despite Department of Homeland Security (DHS) guidelines in which USCIS is expected to expeditiously process H-2A petitions (within 5 business days of receipt), they are taking two weeks or more to process these petitions.

Because of the highly perishable nature of the fresh produce crops being grown and harvested, any delays can be harmful to the grower using the program, but delays of this magnitude are catastrophic as entire farms must be plowed under when a workforce arrives this late.

We urge you to ask DOL and USCIS what is needed to begin meeting their processing timeline requirements, what emergency relief provisions they can provide to H-2A applicants facing delays, and when these issues will be resolved.

While much of the country is not yet in peak agriculture production, this crisis is most acute in California today. H-2A applications across the country have not even begun to approach peak levels for the season, but if this systemic issue is not addressed quickly additional growers in California and in every region of the country will be facing a disastrous year because statutory program requirements were not met.



Sincerely,

Tom Nassif
President and CEO
Western Growers

Cc: Senators Dianne Feinstein and Barbara Boxer
Majority Leader Kevin McCarthy
Minority Leader Nancy Pelosi

Representatives: Doug LaMalfa, John Garamendi, Mike Thompson, Paul Cook, Jerry McNerney, Jeff Denham, Jim Costa, Zoe Lofgren, Sam Farr, David Valadao, Devin Nunes, Lois Capps, Steve Knight, Julia Brownley, Raul Ruiz, Mimi Walters, Darrell Issa, and Juan Vargas