

April 17, 2020

The Honorable Mike Pompeo
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Ken Cuccinelli
Senior Official Performing the Duties of the Director, U.S. Citizenship and Immigration
Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20001

Dear Secretary Pompeo, Acting Secretary Wolf, and Senior Official Cuccinelli:

First, we would like to thank you for your service and your agencies' work to keep the country healthy, safe, and functioning during the COVID-19 pandemic. We write to request that you provide relief to foreign-born workers and their families and employers in the wake of the outbreak. It is clear that COVID-19 will continue to impact American life and work for at least the next several months. The undersigned represent a wide range of business, faith, civic and immigration advocacy organizations.

USCIS office closures and visa processing limitations mean that without action, nonimmigrant workers risk falling out of status or violating the terms of their visa through no fault of their own. American hospitals and farms will lack the critical immigrant labor force needed to get us through these trying times. We applaud recent actions taken by the State Department, USCIS and DHS to address some of the issues associated with visa processing, but more needs to be done. We ask that DHS, the Department of State, and USCIS provide relief to these important workers and their employers.

Only immediate action will prevent long-lasting ramifications to the U.S. workforce and economy. We request relevant U.S. agencies:

- 1. Delay all work authorization expiration dates and extend deadlines to renew or adjust status until at least September 10.**

With USCIS offices closed to all in-person services, routine consular visa services suspended and I-140 premium processing suspended, temporary workers who would otherwise be eligible for renewal or adjustment may fall out of status. Even with recent changes to allow reproduced original signatures, only a limited number of filings can be made on-line. New backlogs are inevitable, and shelter-in-place orders across the country prevent applicants from accessing the support or the tools needed to properly file petitions and applications. In addition to losing these workers, employers will no longer be able to hire new employees from abroad during the pandemic. Even visas that have already been approved will now be delayed, leaving employers

unexpectedly without workers. Without action, these issues will lead to hundreds and thousands of unfilled jobs and have profound negative economic effects.

Many USCIS personnel work in the Washington, D.C. metropolitan area, where shelter-in-place orders will be in effect until at least June 10. We ask that all work authorization expirations and deadlines to renew or adjust status be extended until at least three months after this date, to provide a remedy to temporary workers and employers during these unusual circumstances.

2. Forgive accrual of unlawful presence for furloughed workers and student visa holders and forgive extended absence for green card holders.

Workers who have been furloughed during lockdowns or students who stay beyond the duration of their status due to the pandemic may begin to accrue unlawful presence for violating the terms of their visas. This accrual could result in entry bans that will impact their ability to contribute to the American workforce and be a part of the economic recovery effort due to circumstances beyond their control. USCIS has the authority to suspend accrual of unlawful presence, and it should do so for those affected by the pandemic.

Some lawful permanent residents (LPRs) and other visa holders have been forced to stay abroad for longer than expected due to the pandemic and resulting travel restrictions. Stays longer than six months outside the U.S. can be a serious problem for green card holders and can lead to them being found to have abandoned their permanent residence. USCIS should forgive the negative impacts of extended absence for LPRs and other visa holders who are staying outside the country due to COVID-19.

3. Add flexibility to continue processing essential worker visas, including for health care workers and temporary farmworkers.

Delayed consular visa processing in the midst of the COVID-19 pandemic has already had a significant impact on vital American industries such as health care and agriculture. The processing of J-1 foreign doctors and EB-3 nurses has been paused during the outbreak, and some hospital systems rely heavily on premium processing of H-1Bs, which has been suspended. Together, thousands of healthcare workers are ready but unable to assist with the effort to combat the spread of COVID-19 in American communities. Farmers have also been left without expected foreign workers due to delays in processing H-2A temporary farmworkers. We greatly appreciate the administration's efforts to add flexibility to H-2A processing to aid farming labor shortages. But keeping food on grocery store shelves and American tables is as important as ever, and federal agencies should make it a priority to process these visas along with those of other workers critical to our nation's well-being.

We ask that the administration continue to process visas at USCIS and at U.S. embassies and consulates for workers in industries critical to the COVID-19 response and recovery effort and add additional flexibility to visa processing requirements and waive or postpone inessential in-person interviews.

We the undersigned ask that U.S. federal agencies take immediate action to support foreign-born workers and their employers during the COVID-19 pandemic. First, we ask that work authorization and deadlines to renew and adjust status be extended until September 10. Second, we ask that USCIS forgive accrual of unlawful presence for furloughed workers and student visa holders, as well as forgive extended absence for LPRs forced to stay abroad. Third, we ask that the visa system be made more flexible in order to continue processing essential workers like

nurses and farmworkers. The undersigned stand willing and ready to work with you and the federal government on these and other issues, in order to keep the country and its economy healthy and strong, both today and in the future.

Sincerely,

Americans for Prosperity
AmericanHort
American Immigration Council
American Immigration Lawyers Association
Association for Health Care Agencies
Council for Christian Colleges & Universities
Essential Worker Immigration Coalition
Hispanic Leadership Fund
Idaho Dairymen's Association
Information Technology Industry Council
LeadingAge
The Libre Initiative
National Association of Evangelicals
NALEO Educational Fund
National Immigration Forum
New American Economy
Niskanen Center
President's Alliance on Higher Education and Immigration
TechNet
Unite-LA