



# NYSHS

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528

10/23/2023

**RECEIVED**

**By ESEC at 11:18 am, Oct 31, 2023**

Charles L. Nimick  
Chief  
Business and Foreign Workers Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

In re: Request for extension of comment period

Dear Secretary Mayorkas and Mr. Nimick:

This letter is to request an extension of the comment period of your recently published proposed rulemaking Modernizing H-2 Program Requirements, Oversight, and Worker Protections, 88 FR 65040 (September 20, 2023). The comment period is currently scheduled to close November 20, 2023. The reason for this request that several other regulatory actions of interest to the farm employers in New York State that have comment periods ending during the comment period of this regulation.

For the New York State Horticultural Society and its members to participate in this regulatory process fully and meaningfully, a process that makes significant changes to the H-2A program, an extension is necessary. We would request an additional 30 days to be able to develop and submit comments so that we may be able to provide informed comments on the proposed regulation. This extension will not harm the Department and in fact will allow the regulated community to meaningfully participate in the Administrative Procedure Act rulemaking process. Thank you for consideration of this important matter and we look forward to providing comments on this important proposal.

Jim Bittner  
Executive Director  
NYS Horticultural Society  
6620 Lake Rd  
Appleton, NY 14008  
Jim@singerfarms.com



**U.S. Citizenship  
and Immigration  
Services**

December 21, 2023

Jim Bittner  
Executive Director  
NYS Horticultural Society  
6620 Lake Rd  
Appleton, NY 14008  
[Jim@singerfarms.com](mailto:Jim@singerfarms.com)

Dear Mr. Bittner:

Thank you for your October 23, 2023 letter to the Department of Homeland Security (DHS) requesting an additional 60-day public comment period for the Notice of Proposed Rulemaking (NPRM) entitled “Modernizing H-2 Program Requirements, Oversight, and Worker Protections” published in the Federal Register on September 20, 2023. I am responding on behalf of the Department.

We take seriously our requirements under the Administrative Procedure Act to provide an opportunity for members of the public to participate in the rulemaking process. We believe the 60-day comment period for the 2023 H-2 NPRM provided sufficient time and a reasonable opportunity for the public to comment. Additionally, United States Citizenship and Immigration Services (USCIS) has engaged stakeholder groups over the past several years and has incorporated comments and suggestions from these engagements into the 2023 H-2 NPRM.

We respectfully note that a 60-day comment period is generally considered sufficient for the public to provide input in response to proposed rulemaking actions. DHS has provided 60 days for public comment for other comprehensive rulemakings in the past, and that duration has routinely been sufficient as evidenced by the volume of public comments received. Therefore, we did not extend the comment period beyond 60 days, i.e., past November 20, 2023.

DHS will address the specific issues raised in the public comments requesting an extension of the comment period in any final rule that may result from the 2023 NPRM. Please see DHS’s November 3, 2023, letter posted on [regulations.gov](https://www.regulations.gov).<sup>1</sup>

<sup>1</sup> See <https://www.regulations.gov/document/USCIS-2023-0012-0035>.

Jim Bittner  
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Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou  
Director