



# WATERVILLE

LANDSCAPING AND IRRIGATION

April 13, 2018

U.S. Dept. of Homeland Security  
The Honorable Kirstjen Nielson  
Secretary of Homeland Security  
Washington DC 20520

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BY EXEC SEC  
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As the owner of a small seasonal irrigation installation business in the state of Ohio, I would like to thank you for keeping the issue of the H-2B cap increase alive and under consideration by the Department of Homeland Security. For seasonal businesses like mine, the longer the delay in increasing the number of H-2B visas, the greater the financial impact on my business. As an employer that has used the H-2B program for the past several years, not making the current cap this year will make it difficult to find qualified and willing replacement workers. Seasonal businesses like mine, that only operate eight months of the year, critically need this additional labor source in order to take on and fulfill the installation and service contracts that are vital to our success and survival. Again, thank you for your time and consideration and for supporting small, family-owned companies which are the backbone of the American economy.

Jim Anthony  
President  
Waterville Landscaping Inc.

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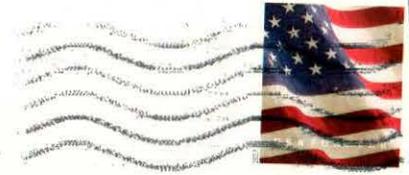
**WATERVILLE**  
LANDSCAPING AND IRRIGATION

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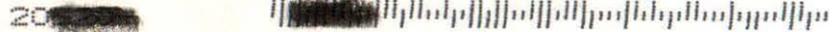
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**U.S. Citizenship  
and Immigration  
Services**

August 27, 2018

Mr. Jim Anthony  
President  
Waterville Landscaping and Irrigation  
P.O. Box 191  
Waterville, Ohio 43566

Dear Mr. Anthony:

Thank you for your April 13, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Your letter urges Secretary Nielsen to approve additional H-2B petitions pursuant to the H-2B visa provisions contained in the Consolidated Appropriations Act, 2018 (Public Law 115-141), which was signed by the President on March 23, 2018.

This provision authorized Secretary Nielsen, in consultation with Secretary Acosta, to determine whether to increase, and if so, by how many (within specified parameters), the number of available H-2B visas for fiscal year (FY) 2018. In making her decision to increase the number of H-2B visas, the Secretary carefully weighed several factors, including whether U.S. workers may be harmed by any such increase.

On May 31, 2018, the U.S. Department of Homeland Security (DHS) and U.S. Department of Labor published a temporary final rule increasing the cap on H-2B nonimmigrant visas by up to 15,000 additional visas through the end of FY 2018. The Secretary does not intend to reopen the supplemental cap for FY 2018.

As with the essentially identical provision in the FY 2017 Omnibus, DHS did not ask for, and does not believe it is appropriate to have, the discretion to authorize the issuance of additional H-2B visas, in general, and specifically under a supplemental cap. I share Secretary Nielsen's opinion that Members of Congress have the best information to know the correct number of H-2B visas needed to support American businesses without harming American workers because congressional representatives have the best understanding of their constituencies and the needs of their local employers.

Further, I share the Secretary's desire to work together with Congress to find solutions to most effectively allocate available H-2B visas throughout the year, while also protecting U.S. workers in the process. DHS will be submitting a congressionally mandated report that details options for addressing the issue of late-season filers in the H-2B program, resulting in their inability to obtain H-2B workers. This report will include suggestions on how the program

Mr. Jim Anthony

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can better serve our national interest. In the meantime, DHS continues to take steps of its own in this regard, including advising members of the public who may have information about a participating employer who is abusing the H-2B program on how to file a report through [ReportH2BAbuse@uscis.dhs.gov](mailto:ReportH2BAbuse@uscis.dhs.gov).

Thank you again for your letter and interest in this important issue. Should you wish to discuss these matters further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "L. Francis Cissna". The letters are cursive and somewhat stylized, with a prominent "L" and "C".

L. Francis Cissna  
Director