

February 24, 2022

U.S. Department of State
Harry S. Truman Federal Building
2201 C Street Northwest,
Washington, D.C. 20037

Re: DOS-2021-0019-0002, Schedule of Fees for Consular Services: Nonimmigrant and Special Visa Fees

Dear Sir or Madam:

The American Farm Bureau Federation (AFBF) is the nation's largest general farm organization. Our members produce agricultural commodities in all 50 states and Puerto Rico. They are engaged in every segment of agricultural production, including labor-intensive agriculture. Many of our members rely on the H-2A program to produce food and fiber for our nation and the world. However, their ability to use the H-2A program and continue production of labor-intensive crops in the United States is in jeopardy as the costs to use the program increase, while cash receipts for labor-intensive commodities decline. AFBF writes today to offer our viewpoint on the State Department's proposal to increase fees for nonimmigrant visas as outlined in the proposed rule titled, "Schedule of Fees for Consular Services: Nonimmigrant and Special Visa Fees."

The proposed changes seek to increase nonimmigrant visa fees from \$190 to \$310 per worker. The proposed rule states that "the cost to bring over an agricultural worker is estimated to be \$10,177, or \$10,367 with the current visa fee of \$190. This information came from the U.S. Department of Agriculture. The proposed new fee raises the total cost from \$10,367 (\$10,177 + \$190) to \$10,487 (\$10,177 + \$310). This increases the total cost of bringing a worker over by just over one percent." Considering the already extensive costs to bring a guestworker to the United States, AFBF strongly urges the Department to refrain from pursuing this fee change.

Additionally, costs of production have continued to rise, further compounding the economic impact of this proposed fee increase. In the last year, each application for H-2A workers had on average 19 positions. Under this proposal, this farmer would experience over \$2,000 in increased costs. The State Department should take into consideration a farmer's ability to absorb these costs given that USDA's forecasted 2021 cash receipts for fruits and nuts are 19% lower than 2017, and USDA's forecasted 2021 cash receipts for vegetables and melons are 16% lower than 2017. These decreased profits, coupled with significant increases in agricultural inputs and the Adverse Effect Wage Rate, mean a supposed 1% increase in the cost to bring an H-2A worker to the United States will erode already thin profit margins on farms.

Additionally, the proposed rule does not outline why these increases are justified or how the State Department will use the additional funds to improve its services. Although we have seen

growth in the use of the H-2A program in 2021, consular services have been minimized with COVID-19 precautions in place that do not require interviews for most returning H-2 workers.

AFBF recommends that the State Department refrain from implementing these proposed changes in the Final Rule and asks that the current fee and form structure remain in place. AFBF urges the State Department to focus its efforts on streamlining the H-2A program to lower agency costs without imposing unjustified fee increases on farmers. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Kieffer". The signature is stylized with a large, looped "S" and a long horizontal stroke at the end.

Sam Kieffer
Vice President, Public Affairs