



**Characteristics of H-2B
Nonagricultural Temporary Workers**
Fiscal Year 2015 Report to Congress
Annual Submission

May 10, 2016



**Homeland
Security**

*U.S. Citizenship and
Immigration Services*



**Homeland
Security**

Foreword

May 10, 2016

On behalf of the Department of Homeland Security, I am pleased to present the Fiscal Year 2015 annual submission on the “Characteristics of H-2B Nonagricultural Temporary Workers.”

Pursuant to statutory requirements, this report is being provided to the following Members of Congress:

The Honorable Charles Grassley
Chairman, Senate Committee on the Judiciary

The Honorable Patrick J. Leahy
Ranking Member, Senate Committee on the Judiciary

The Honorable Robert W. Goodlatte
Chairman, House Committee on the Judiciary

The Honorable John Conyers, Jr.
Ranking Member, House Committee on the Judiciary

Inquiries relating to this report may be directed to me at (202) 447-5890.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Tia Johnson".

M. Tia Johnson
Assistant Secretary for Legislative Affairs

Executive Summary

The Department of Homeland Security (DHS) has compiled this Fiscal Year (FY) 2015 report on H-2B nonimmigrants from information provided by Department of State (DOS), Department of Labor (DOL), and three components within DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE).

The data in this report is accurate as of January 2016.

Highlights

- A total of 70,179¹ aliens were issued H-2B visas or otherwise acquired H-2B status in FY 2015.
- 69,683 H-2B visas were issued by DOS.
- The top five H-2B visa issuance countries in FY 2015 were:
 - Mexico – 73.6%
 - Jamaica – 10.3%
 - Guatemala – 4.0%
 - Philippines – 2.4%
 - Great Britain & Northern Ireland – 2.0%
- 228 requests for change of status to H-2B were approved by USCIS. In such cases, a visa is not required.
- 268 crossings of visa-exempt H-2B workers were processed by CBP (268 Canadians).²

¹ This number includes H-2B beneficiaries who are exempt from the H-2B cap. For information regarding the H-2B cap, please refer to H-2B Nonagricultural Temporary Worker Visa and Status Report for FY 2015, Semiannual Report to Congress, Part 2.

² For FY 2015, all 268 crossings of visa-exempt H-2B workers came from Canada. See 8 C.F.R. 212.1(a) for a list of aliens who are considered visa-exempt. This figure may include multiple admissions by the same individuals. Although an individual may cross the border numerous times (e.g., a Canadian residing in Windsor, Ontario, and commuting daily to work in Detroit, Michigan), he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

Table of Contents

I.	Legislative Requirement	1
II.	Background	2
III.	Data Report and Analysis	3
	Section 3.1 – Countries of nationality for workers who were issued H-2B visas by the Department of State in FY 2015	3
	Section 3.2 – Occupational information on, and compensation paid to, workers who were issued H-2B visas or provided H-2B status in FY 2015	4
	Section 3.3 – H-2B visas or status revoked or otherwise terminated	4
	Section 3.4 – Number of aliens who were provided H-2B nonimmigrant status during FY 2015 and FY 2014	5
	Appendix – Guam DOL chart displaying occupational and compensation data for all H-2B applicants in FY 2015	6

I. Legislative Requirement

This report was prepared in accordance with section 416(d)(2) of the *American Competitiveness and Workforce Improvement Act of 1998*, Pub. L. No. 105-277, tit. IV, 112 Stat. 2681-641, as amended by section 406 of the *REAL ID Act of 2005*, Pub. L. No. 109-13, div. B, 119 Stat. 231, which requires that:

Beginning in fiscal year 2007, the Secretary of Homeland Security and the Secretary of State shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate –

- (A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act [(INA)] (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;
- (B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and
- (C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

II. Background

Overview

The H-2B program allows U.S. employers to bring foreign workers to the United States to fill temporary nonagricultural jobs. *See* INA section 101(a)(15)(H)(ii)(b), 8 U.S.C. § 1101(a)(15)(H)(ii)(b). To petition successfully for this nonimmigrant classification, the employer must establish that:

- its need for the prospective worker's labor or services is temporary in nature – that is, based on a one-time occurrence, a seasonal need, a peakload need, or an intermittent need;
- there are not sufficient U.S. workers who are capable of performing the temporary work; and
- the employment of the H-2B nonimmigrant worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

Generally, before filing a petition with USCIS for H-2B workers, the employer must obtain a valid temporary labor certification from DOL or, if the worker(s) will be employed in Guam, from the Governor of Guam. *See* Title 8 Code of Federal Regulations (8 C.F.R.) § 214.2(h)(6)(iii)(A) and (C). H-2B petitions may request multiple workers, so long as the information provided in the H-2B petition, such as the job duties specified and worksite locations listed, match information provided in the temporary labor certification. *See* 8 C.F.R. § 214.2(h)(2)(ii).

Obtaining H-2B Status

After USCIS approves an H-2B petition, a worker may be granted H-2B status through:

- admission as an H-2B worker by CBP at a port of entry after issuance of an H-2B nonimmigrant visa by DOS;
- admission as an H-2B worker by CBP at a port of entry without a visa, in the case of certain Canadian and Bermudan citizens, Bahamian nationals, and British subjects resident in certain islands; or
- change of nonimmigrant status to H-2B granted by USCIS.

III. Data Report and Analysis

Section 3.1 – Countries of nationality for workers who were issued H-2B visas by the Department of State in Fiscal Year 2015

Based on information provided by DOS, the nationality of workers who were issued H-2B visas in FY 2015 are as follows:

Nationality	Number	Nationality	Number
Antigua and Barbuda	2	Jamaica	7,199
Argentina	81	Japan	267
Australia	58	Latvia	1
Austria	16	Lithuania	73
Belgium	1	Macedonia	12
Belize	172	Mexico	51,300
Brazil	50	Moldova	83
Bulgaria	201	Montenegro	3
Canada	1	Namibia	1
Chile	33	Netherlands	19
Colombia	1	New Zealand	36
Congo-Kinshasa	1	Nicaragua	95
Costa Rica	166	Nigeria	1
Croatia	17	Norway	1
Czech Republic	26	Panama	40
Denmark	2	Peru	23
Dominican Republic	143	Philippines	1,697
Ecuador	7	Poland	73
El Salvador	541	Portugal	9
Estonia	4	Romania	361
Finland	2	Russia	7
France	8	Serbia	177
Germany	3	Slovakia	46
Great Britain & Northern Ireland	1,412	Slovenia	5
Greece	2	South Africa	1,280
Guatemala	2,754	South Korea	11
Haiti	1	Spain	58
Honduras	650	Sweden	16
Hungary	52	Switzerland	3
India	2	Thailand	25
Iran	1	Turkey	75
Ireland	187	Ukraine	55
Israel	9	Zimbabwe	1
Italy	24	Grand Total	69,683

Section 3.2 – Occupational information on, and compensation paid to, workers who were issued H-2B visas or provided H-2B status in FY 2015

DOL posts this information for the latest quarter and for previous fiscal years on its website at <http://www.foreignlaborcert.doleta.gov/performancecdm>.³ The data also includes information about the certification, partial certification,⁴ withdrawal, and denial of temporary employment certification applications.

Guam Department of Labor (Guam DOL) collects similar information. See Appendix.

Section 3.3 – H-2B visas or status revoked or otherwise terminated

From October 1, 2014 through September 30, 2015, USCIS revoked or otherwise terminated 15 approved H-2B petitions covering a total of 299 H-2B positions.

USCIS Monthly Breakdown of Revocations:

Month	Number of Petitions	Number of Beneficiaries	Month	Number of Petitions	Number of Beneficiaries
Oct. 2014	2	20	Apr. 2015	0	0
Nov. 2014	1	10	May 2015	2	23
Dec. 2014	0	0	Jun. 2015	0	0
Jan. 2015	4	38	Jul. 2015	2	126
Feb. 2015	2	21	Aug. 2015	2	61
Mar. 2015	0	0	Sep. 2015	0	0

During this same period, CBP denied admission to 129 aliens who were found inadmissible at ports of entry,⁵ and ICE removed 39 aliens who were found removable after admission to the United States.

DOS initially refused 9,188 H-2B visas during FY 2015.⁶ However, 3,066 of these workers subsequently overcame the reasons for the visa refusal, and the affected workers were granted H-2B visas. Therefore, during FY 2015, DOS refused the visa applications of a net total of 6,122 H-2B workers.

The cancellation, termination, and visa refusal data from CBP, ICE, and DOS are not available on a month-to-month basis.

³The above-described legislative reporting requirement calls, in part, for occupation information on and compensation paid to aliens. The occupational information includes the position being petitioned for and the corresponding compensation information. DHS relies on DOL to electronically capture such data, including compensation paid to H-2B workers. DOL routinely publishes such information online at the link provided.

⁴A “partial certification” occurs when the Department of Labor Certifying Officer who issues the temporary labor certification (TLC) reduces either the period of need and/or the number of H-2B workers being requested. The employer will then receive an amended ETA Form 9142 and a Final Determination letter that includes the reasons for the partial certification.

⁵This number includes those beneficiaries who received a visa and those who are visa-exempt. However, no visa-exempt beneficiaries were found inadmissible in FY 2015. The countries of origin for inadmissible beneficiaries were: Brazil, China, Great Britain, Guatemala, Mexico, Moldova, Philippines, Romania, and South Africa.

⁶Reasons for a visa refusal typically include matters outside of the scope of USCIS petition adjudication, such as determinations of inadmissibility, findings of immigrant intent under section 214(b) of the INA, or findings that the petitioning employer or an agent, facilitator, recruiter, or similar employment service required the prospective H-2B worker to pay a prohibited fee at any time as a condition of employment.

Section 3.4 – Number of aliens who were provided H-2B nonimmigrant status during FY 2015 and FY 2014

In FY 2015, a total of **70,179** aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 69,683 H-2B visas issued by DOS;
- 228 requests for change of status to H-2B approved by USCIS, which are cases in which a visa is not required; and
- 268 crossings of visa-exempt H-2B workers processed by CBP (268 Canadians).⁷

In FY 2014, a total of **68,682**⁸ aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 68,101⁹ H-2B visas issued by DOS;
- 358 requests for change of status to H-2B approved by USCIS in which case a visa is not required; and
- 223 crossings of visa-exempt H-2B workers processed by CBP (223 Canadians).¹⁰

⁷ For FY 2015, all 268 crossings of visa-exempt H-2B workers came from Canada. See 8 C.F.R. 212.1(a) and (b) for a list of aliens who are considered visa-exempt. This figure may include multiple admissions by the same individuals. Although an individual may cross the border numerous times (e.g., a Canadian residing in Windsor, Ontario, and commuting daily to work in Detroit, Michigan), he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

⁸ This statistic represents a revision from the previous annual report to Congress. The previous report indicated that a total of 69,681 workers were issued H-2B visas or otherwise acquired H-2B status in FY 2014. After the report was issued, the number of H-2B visas issued by DOS for FY 2014 was subsequently updated to 68,101, not 68,100 as originally reported. This difference increased the total number of visas issued by one.

⁹ This statistic represents a revision from the previous annual report to Congress. The previous report indicated that a total of 68,100 workers were issued H-2B visas by DOS. That number was subsequently updated to 68,101.

¹⁰ For FY 2014, all 223 crossings of visa-exempt H-2B workers came from Canada. See 8 C.F.R. 212.1(a) for a list of aliens who are considered visa-exempt. This figure may include multiple admissions by the same individuals. Although an individual may cross the border numerous times (e.g., a Canadian residing in Windsor, Ontario, and commuting daily to work in Detroit, Michigan), he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

Appendix – Guam DOL chart displaying occupational and compensation data for all H-2B applicants in FY 2015

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
11-1999.04	Supply Chain Manager	1	\$36.05	Hour
11-3071	Inventory Control Manager	1	\$31.12	Hour
11-9051	Assistant Restaurant Manager	2	\$16.06	Hour
11-9051	Restaurant Manager	3	\$17.90	Hour
11-9051	Executive Assistant Manager (F&B)	1	\$89,000.00	Annum
13-1151	Occupation Safety and Health Officer	1	\$17.38	Hour
13-1161	Market Research Analyst	1	\$17.55	Hour
14-1012	Sales Manager	1	\$15.25	Hour
17-3012.02	Electrical Drafter	1	\$20.27	Hour
25-3021	Dive Instructor	3	\$19.56	Hour
25-3021	Scuba Instructor	3	\$19.56	Hour
27-1023	Floral Designer	1	\$12.55	Hour
29-1141	Birthing Registered Nurse	3	\$25.75	Hour
29-1141	Emergency Registered Nurse	33	\$25.75	Hour
29-1141	Medical/Surgical/Operating Room Registered Nurse	15	\$25.75	Hour
29-1141	Pediatrics Registered Nurse	5	\$25.75	Hour
29-1141	Surgical Unit Registered Nurse	15	\$25.75	Hour
29-1141.01	Chemotherapy Registered Nurse	5	\$25.75	Hour
29-1141.01	Radiation-Oncology Registered Nurse	5	\$25.75	Hour
29-1141.03	Cardiac Catheterization Laboratory, Cardiology Registered Nurse	7	\$25.75	Hour
29-1141.03	Intensive Care Unit Registered Nurse	34	\$25.75	Hour
29-1141.03	Medical Telemetry Unit Registered Nurse	15	\$25.75	Hour
29-1141.03	Neonatal Intensive Care Unit and Obstetrics Nurse	7	\$25.75	Hour
29-1141.03	Neonatal Intensive Care Unit Registered Nurse	25	\$25.75	Hour
29-1141.03	Obstetrics-Gynecology (OB-GYN)/Intensive Maternal Unit (IMU) Registered Nurse	30	\$25.75	Hour
29-1141.03	Operating Room Registered Nurse	15	\$25.75	Hour
29-1141.03	Pediatrics Registered Nurse	5	\$25.75	Hour
29-2032	Ultrasound Technician	3	\$32.29	Hour
29-2032	Ultrasound Technician	5	\$32.88	Hour
29-2034	CT Technologist	2	\$18.32	Hour
29-2034	CT Technologist	3	\$18.73	Hour
29-2034	MRI Technologist	1	\$18.93	Hour
29-2034	Radiologic Technologist	2	\$19.43	Hour
29-2034	MRI Technologist	1	\$26.00	Hour
31-9011	Massage & Body Care Therapist/Masseuse	5	\$9.92	Hour
31-9011	Massage Therapist	10	\$9.92	Hour
31-9011	Therapeutic Masseur	0	\$9.92	Hour
31-9011	Spa Therapist	8	\$21,000.00	Annum
35-1001	Executive Chef	1	\$85,000.00	Annum

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
35-1011	Chef	2	\$15.69	Hour
35-1011	Specialty Chef (Italian Cuisine)	1	\$35,000.00	Annum
35-1011	Specialty Chef (Thai Cuisine)	1	\$35,000.00	Annum
35-1012	Figaro Coffee Shop Supervisor	2	\$10.01	Hour
35-2012	Camp Cook	11	\$11.85	Hour
35-2014	Restaurant Cook	2	\$8.80	Hour
35-2014	Japanese Specialty Cook	2	\$9.14	Hour
35-2014	Specialty Cook	29	\$9.20	Hour
35-2014	Specialty Cook	1	\$13.39	Hour
35-2019.99	Figaro Coffee Shop Supervisor	2	\$10.38	Hour
35-9031	Guest Relations Host/Hostess, Restaurant	1	\$8.25	Hour
37-3011	Landscaper	6	\$8.81	Hour
37-3011	Landscape Gardener	27	\$8.81	Hour
37-3011	Landscape Gardener	7	\$8.98	Hour
39-1021	Spa Supervisor-Trainer	0	\$20.88	Hour
39-5012	Bridal Stylist	2	\$8.83	Hour
39-6012	Concierge	1	\$11.55	Hour
39-9031	Fitness Coordinator	1	\$18.17	Hour
43-4051	Wedding Service Attendant	7	\$14.04	Hour
47-1011	Automotive Master Mechanic	1	\$13.36	Hour
47-2031	Carpenter	490	\$13.56	Hour
47-2031	Shipwright Carpenter	10	\$14.11	Hour
47-2051	Cement Mason	480	\$12.87	Hour
47-2071	Paving Equipment Operator	3	\$20.06	Hour
47-2073	Heavy Equipment Operator	39	\$13.77	Hour
47-2073	Heavy Equipment Operator	3	\$17.19	Hour
47-2111	Electrician	109	\$15.45	Hour
47-2111	Electrician	6	\$19.24	Hour
47-2131	Insulator/Lager	12	\$17.76	Hour
47-2141	Painter	2	\$14.60	Hour
47-2152	Plumber	23	\$14.96	Hour
47-2152	Pipefitter	35	\$17.53	Hour
47-2161	Plasterer	14	\$10.98	Hour
47-2171	Reinforcing Metal Worker	194	\$12.56	Hour
47-2211	Sheet Metal Worker	3	\$15.17	Hour
47-2211	Sheet Metal Mechanic	10	\$16.52	Hour
47-2221	Structural Steel Worker	18	\$13.22	Hour
47-3013	Assistant Solar (PV) Installer	12	\$10.20	Hour
47-5021	Horizontal Directional Drilling Operator	1	\$22.15	Hour
49-1011	Crew Leader	3	\$23.07	Hour
49-2092	Electric Motor Repairer	0	\$19.47	Hour
49-3021	Auto Body Repair Technician	2	\$12.83	Hour
49-3021	Automobile Body Repairer	4	\$12.95	Hour
49-3042	Construction Equipment Mechanic	2	\$14.14	Hour
49-3042	Heavy Equipment Mechanic	15	\$14.14	Hour
49-3042	Heavy Equipment Mechanic	2	\$15.15	Hour
49-3042	Heavy Equipment Mechanic	1	\$15.28	Hour
49-3042	Equipment Mechanic	1	\$15.45	Hour

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
49-3051	Marine Mechanic	32	\$17.99	Hour
49-9021	A/C and Refrigeration Mechanic	6	\$15.73	Hour
49-9021	Air Condition Mechanic	2	\$15.73	Hour
49-9021	HVAC Mechanic	3	\$16.76	Hour
49-9021	HVAC Technician/Specialist	1	\$16.76	Hour
49-9021	Refrigeration Mechanic	1	\$16.21	Hour
49-9023	Mechanic	5	\$8.81	Hour
49-9043	Laundry Maintenance Technician	2	\$14.21	Hour
49-9043	Maintenance Worker, Machinery	7	\$14.21	Hour
49-9043	Maintenance Mechanic	4	\$14.40	Hour
49-9062	Biomedical Equipment Specialist	1	\$15.00	Hour
49-9071	Maintenance Mechanic	1	\$11.70	Hour
49-9071	General Maintenance and Repair Worker	6	\$12.17	Hour
49-9071	A/C Maintenance Technician	5	\$12.54	Hour
51-2021	Motor Rewinder	5	\$15.54	Hour
51-3011	Baker	3	\$9.08	Hour
51-3011	Baker	4	\$9.12	Hour
51-3011	Baker	4	\$9.26	Hour
51-4041	Machinist	5	\$16.65	Hour
51-4121	Welder	9	\$16.09	Hour
51-4121	Welder	4	\$17.35	Hour
51-4121	Welder/Fitter	41	\$17.35	Hour
51-9061	Quality Control Inspector	3	\$17.00	Hour
51-9061	Quality Control Inspector	2	\$20.84	Hour
51-9071	Goldsmith	2	\$19.24	Hour
51-9122	Painter/Blaster	20	\$13.99	Hour
53-7021	Tower Crane Operator	3	\$20.14	Hour