



Characteristics of H-2B Nonagricultural Temporary Alien Workers

Fiscal Year 2024 Report to Congress

Annual Submission



Homeland
Security

*U.S. Citizenship and
Immigration Services*



**Homeland
Security**

March 11, 2025

Foreword

On behalf of the Department of Homeland Security (DHS), I am pleased to present the Fiscal Year 2024 report on the “Characteristics of H-2B Nonagricultural Temporary Alien Workers.”

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

The Honorable Charles E. Grassley
Chairman, Senate Committee on the Judiciary

The Honorable Richard J. Durbin
Ranking Member, Senate Committee on the Judiciary

The Honorable Jim Jordan
Chairman, House Committee on the Judiciary

The Honorable Jamie Raskin
Ranking Member, House Committee on the Judiciary

Questions may be directed to me at (202) 447-5890.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Hayes", with a long horizontal flourish extending to the right.

Bradley Hayes
Assistant Secretary for Legislative Affairs

Executive Summary

The Department of Homeland Security (DHS) has compiled this Fiscal Year (FY) 2024 report on H-2B aliens 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).

This report includes data for each half of FY 2024.

Highlights

- A total of 142,063¹ aliens were issued H-2B visas or otherwise acquired H-2B status in FY 2024, with 139,541 H-2B visas issued by DOS including beneficiaries approved under the FY 2024 Supplemental Cap.
- The top five countries with the most H-2B visas issued in FY 2024 were:
 - Mexico – 64.8 percent
 - Jamaica – 8.6 percent
 - Guatemala – 7.3 percent
 - El Salvador – 5.8 percent
 - Honduras – 5.1 percent
- 920 requests for change of status to H-2B were approved by USCIS. In such cases, a new visa is not required.²
- 1,602 crossings of visa-exempt H-2B alien workers were processed by CBP.³

¹ This number includes H-2B alien workers who are exempt from the H-2B cap and those who were approved under the FY 2024 Supplemental Cap. This number may also include H-2B alien workers who were approved by USCIS with a start date in the preceding fiscal year but were not issued a visa by DOS until the relevant period; and H-2B alien workers who were approved by USCIS with a start date in the next fiscal year but were issued a visa by DOS up to 10 days before such start date and during the relevant period.

² A change of status to H-2B might count against the cap unless the alien is cap exempt (e.g., fish roe worker).

³ For FY 2024, all 1,602 crossings of visa-exempt H-2B alien 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.

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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. 105-277, tit. IV, 112 Stat. 2681-641, as amended by section 406 of the *REAL ID Act of 2005*, Pub. L. 109-13, div. B, 119 Stat. 302, enacted May 11, 2005, 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.

Section 3.5 of this report on H-2B Top 15 petitioners fulfills the requirement set forth in the House Report 117-87, which accompanies the Fiscal Year (FY) 2023 Consolidated Appropriations Act (P.L. 117-103):

H-2B Visa Program Reporting - Not later than 60 days after the date of enactment of this Act, the Department shall report to the Committee on the distribution of visas granted through the H-2B program, including a tabulation of the percentage of overall visas issued to the top 15 employers.

II. Data Report and Analysis

Section 3.1 – Countries of nationality for alien workers who were issued H-2B visas by the Department of State in FY 2024

Based on information provided by DOS, the nationalities of alien workers who were issued H-2B visas in FY 2024 are as follows:

Table 1. Number of H-2B alien workers who were issued H-2B visas by the Department of State, by Nationality, FY 2024

Nationality	Number	Nationality	Number
Grand Total	139,541	[This cell intentionally left blank]	[This cell intentionally left blank]
Angola	D	Kenya	D
Antigua and Barbuda	D	Kyrgyzstan	D
Argentina	168	Latvia	D
Australia	43	Lebanon	D
Austria	12	Lithuania	84
Azerbaijan	D	Mauritius	46
Barbados	82	Mexico	90,457
Belarus	D	Mongolia	47
Belgium	D	Montenegro	43
Belize	49	Mozambique	D
Bolivia	D	Namibia	D
Bosnia-Herzegovina	D	Nepal	D
Brazil	154	Netherlands	27
Bulgaria	162	New Zealand	26
Canada	D	Nicaragua	55
Chile	21	Nigeria	D
Colombia	785	North Macedonia	94
Costa Rica	613	Norway	D
Croatia	24	Pakistan	D
Czech Republic	26	Panama	123
Dominican Republic	428	Paraguay	D
Ecuador	320	Peru	97
Egypt	D	Philippines	2,932
El Salvador	8,027	Poland	106
Estonia	D	Portugal	84

Nationality	Number	Nationality	Number
Eswatini	D	Romania	674
Ethiopia	D	Rwanda	0
Finland	D	Saint Lucia	D
France	17	Saint Vincent and the Grenadines	D
Gabon	D	Senegal	D
Germany	D	Serbia	857
Ghana	D	Singapore	D
Gibraltar	D	Slovakia	36
Great Britain and Northern Ireland	203	Slovenia	D
Greece	27	South Africa	2,310
Grenada	D	South Korea	16
Guatemala	10,154	South Sudan	D
Haiti	D	Spain	19
Honduras	7,058	Sri Lanka	D
Hungary	88	Sweden	D
India	D	Switzerland	D
Iraq	D	Thailand	18
Ireland	84	Turkey	170
Israel	D	Ukraine	338
Italy	57	Uruguay	D
Jamaica	12,059	Uzbekistan	D
Japan	136	Vietnam	D
Jordan	D	Zimbabwe	D
Note: Per USCIS privacy practices, units of less than 10 beneficiaries are masked and replaced with the letter “D” so as to limit the possibility of the de-anonymization of data. However, the total includes the values of all countries, including those marked D.			

Section 3.2 – Occupational information on, and wage offered to, alien workers who were issued H-2B visas or otherwise provided H-2B status in FY 2024

DOL posts data about the H-2B applications for temporary labor certification, which it adjudicates, including occupational information, the pay rate offered to H-2B alien workers, and the location of job opportunities on its website.⁴ The data also includes information about the

⁴ See <http://www.dol.gov/agencies/eta/foreign-labor/performance>. The legislative requirement described in Section I calls, in part, for occupational information on and compensation paid to aliens. The occupational information includes the position sought

certification, partial certification,⁵ withdrawal, and denial of temporary employment certification applications.

Guam Department of Labor (Guam DOL) collects similar information but does not routinely publish this information on its website. Please see the Appendix for a chart displaying occupational and compensation data for all H-2B applicants in FY 2024.

USCIS also posts and updates employment data quarterly.⁶

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

From October 1, 2023 through September 30, 2024, USCIS revoked or otherwise terminated 29 approved H-2B petitions covering a total of 662 H-2B alien worker positions.

Table 2. Number of H-2B petitions revoked by USCIS and corresponding beneficiaries by month, FY 2024

Month	Number of Petitions	Number of Beneficiaries
Total	29	662
Oct. 2023	2	60
Nov. 2023	4	87
Dec. 2023	2	56
Jan. 2024	1	6
Feb. 2024	1	14
Mar. 2024	2	22
Apr. 2024	6	138
May. 2024	1	1
Jun. 2024	3	45
Jul. 2024	3	70
Aug. 2024	3	138
Sep. 2024	1	25

and the corresponding wage offer information. DHS relies on DOL to electronically capture such data, including wage offered to H-2B alien workers. DOL routinely publishes such information online at the link provided.

⁵ A “partial certification” occurs when the DOL Certifying Officer who issues the TLC reduces either the period of need and/or the number of H-2B alien 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.

⁶ See <https://www.uscis.gov/tools/reports-and-studies/h-2b-employer-data-hub>.

Also in FY 2024, CBP denied admission to 60 aliens who were found inadmissible at ports of entry,⁷ and ICE removed 93 aliens who were found removable after admission to the United States.⁸

During FY 2024, DOS reported refusing the visa applications of a total of 6,715 H-2B aliens. CBP or ICE may have the authority to revoke a visa, per 22 CFR § 41.122(e), even though they do not have the authority to issue visas, but the cancellation of a visa typically only goes into effect after the affected alien departs from the United States, thereby precluding the person from seeking readmission on the basis of the cancelled visa. The cancellation (visa revocation) and visa refusal data from CBP, ICE, and DOS are not available on a month-to-month basis.

Section 3.4 – Number of aliens who were provided H-2B status during FY 2023 and FY 2024

In FY 2023, a total of 133,164⁹ aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 131,704 H-2B visas issued by DOS;
- 407 requests for change of status to H-2B approved by USCIS, which are cases in which a visa is not required; and
- 1,053 crossings of visa-exempt H-2B aliens processed by CBP.¹⁰

In FY 2024, a total of 142,063 aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 139,541 H-2B visas issued by DOS;
- 920 requests for change of status to H-2B approved by USCIS, which are cases in which a visa is not required; and
- 1,602 crossings of visa-exempt H-2B aliens processed by CBP.¹¹

⁷ This number is for beneficiaries who had received an H-2B visa. Of note, no visa-exempt beneficiaries were found inadmissible by CBP in FY 2024.

⁸ ICE defines “removed H-2B workers” as those aliens removed with a most recent admission class code of “H2” or “H-2B.” As such, this figure may include aliens admitted in the H-2A classification as temporary or seasonal nonagricultural workers who could also have a most recent admission class code of “H2.” ICE also indicates that admission class code is not a mandatory field, so this figure could be incomplete.

⁹ This number includes H-2B alien workers who are exempt from the H-2B cap and those who were approved under the FY 2023 Supplemental Cap. This number may also include H-2B alien workers who were approved by USCIS with a start date in the preceding fiscal year but were not issued a visa by DOS until the relevant period; and H-2B alien workers who were approved by USCIS with a start date in the next fiscal year but were issued a visa by DOS up to 10 days before such start date and during the relevant period.

¹⁰ For FY 2023, all 1,053 crossings of visa-exempt H-2B alien 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 alien. Although an alien may cross the border numerous times, he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

¹¹ For FY 2024, all 1,602 crossings of visa-exempt H-2B alien 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 alien. Although an alien may cross the border numerous times, he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

Section 3.5 – Top 15 H-2B Petitioners

Table 3 below shows the top 15 companies that submitted petitions for H-2B aliens in FY 2024 by the number of approved alien workers. In total, the top 15 petitioners were approved for 15,521 alien workers or about 7.3 percent of the total of 211,265 alien workers approved on H-2B petitions in FY 2024. Note, the number of approved aliens in Table 3 does not reflect the number of aliens ultimately employed or the number of visas issued by DOS as some positions may not be filled and some approved aliens may not receive a visa or travel to the United States, among other reasons.

Table 3: Top 15 H-2B Employers, FY 2024

Petitioner (Company) Name	Last Four Digits of the Tax ID Number	Petitioner's State	Number of Approved Beneficiaries
Grand Total	[This cell intentionally left blank]	[This cell intentionally left blank]	211,265
PHC CORPORATION	2371	GU	1,772
ABC PROFESSIONAL TREE SERVICES INC	6297	VA	1,748
PROGRESSIVE SOLUTIONS LLC	7036	AR	1,436
BRIGHTVIEW LANDSCAPES LLC	4313	PA	1,217
CORE TECH CONSTRUCTION CORPORATION	454	GU	1,111
ROTOLO CONSULTANTS INC	5520	LA	1,097
STRONGWOOD FORESTRY INC	9115	MS	983
WESTWARD SEAFOODS INC	3701	WA	922
LANDSCAPE WORKSHOP LLC	6112	AL	882
BLACK CONSTRUCTION CORPORATION	4616	GU	874
GENUINE BUILDERS INC	8395	SD	821
BDG TREES LLC CONROE TX	4343	VA	692
VIVINT INC DALLAS T 2	4038	UT	657
LANDSCAPES UNLIMITED LLC	2871	NE	655
GUAM ADVANCE ENTERPRISES INC	2527	GU	654
ALL OTHER COMPANIES	OTHER	OTHER	195,744

Source: USCIS Data as of October 2024.

Appendix I.– Guam DOL chart displaying occupational and compensation data for all H-2B applicants in FY 2024

FY 2024 H-2B Characteristics Report – Guam

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
17-3025	Environmental Technician	1	\$27.90	Hour
19-5011	Occupational Health & Safety Technician Supervisor	6	\$32.00	Hour
19-5012	Occupational Health & Safety Technician	19	\$17.82	Hour
19-5012	Occupational Health & Safety Technician	7	\$30.89	Hour
19-5012	Occupational Health & Safety Technician	2	\$31.00	Hour
31-1122	Personal Care Aide	5	\$11.25	Hour
31-9091	Dental Assistant	1	\$17.94	Hour
31-9091	Dental Auxiliary	5	\$18.51	Hour
31-9091	Expanded Functions Dental Assistant	2	\$18.51	Hour
35-2012	Camp Cook	61	\$13.07	Hour
35-2012	Camp Cook	5 *	\$14.09	Hour
35-3011	Greek Specialty Chef	1	\$22.45	Hour
37-3011	Landscape Gardener	28	\$10.74	Hour
37-3011	Landscape Gardener	87 *	\$11.58	Hour
43-3031	Bookkeeper	1	\$14.78	Hour
43-5061	Planning Clerk	2	\$27.70	Hour
47-1011	Construction Supervisor	38	\$24.27	Hour
47-1011	Construction Supervisor	9	\$26.08	Hour
47-1011	Drilling Supervisor	3	\$24.27	Hour
47-1011	Field Supervisor	7	\$24.27	Hour
47-1011	Field Supervisor	9	\$26.08	Hour
47-1011	Foreman	3	\$24.27	Hour
47-1011	Foreman	1	\$26.08	Hour
47-2031	Carpenter	1548	\$15.58	Hour
47-2031	Carpenter	421	\$18.34	Hour
47-2031	Carpenter	428 *	\$18.34	Hour
47-2031	Lead Carpenter	16	\$16.48	Hour
47-2031	Shipwright Carpenter	18 *	\$18.30	Hour
47-2044	Tile Setter	6	\$25.81	Hour
47-2051	Cement Mason	1163	\$15.66	Hour
47-2051	Cement Mason	353	\$17.51	Hour
47-2051	Cement Mason	215 *	\$17.51	Hour

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
47-2073	Heavy Equipment Operator	367	\$18.06	Hour
47-2073	Heavy Equipment Operator	34	\$18.97	Hour
47-2073	Heavy Equipment Operator	63 *	\$18.97	Hour
47-2111	Electrician	586	\$18.41	Hour
47-2111	Electrician	139	\$21.02	Hour
47-2111	Electrician	90 *	\$21.02	Hour
47-2111	Electrician	28	\$19.00	Hour
47-2141	Painter	292	\$14.87	Hour
47-2141	Painter	36	\$19.82	Hour
47-2152	Pipefitter	108	\$17.05	Hour
47-2152	Pipefitter	52	\$19.48	Hour
47-2152	Pipefitter	12 *	\$19.34	Hour
47-2152	Pipefitter	50 *	\$19.48	Hour
47-2152	Plumber	305	\$17.05	Hour
47-2152	Plumber	66	\$19.48	Hour
47-2152	Plumber	85 *	\$19.48	Hour
47-2171	Reinforcing Metal Worker	572	\$16.73	Hour
47-2171	Reinforcing Metal Worker	258	\$16.98	Hour
47-2171	Reinforcing Metal Worker	162 *	\$16.98	Hour
47-2211	Sheet Metal Worker	177	\$17.66	Hour
47-2211	Sheet Metal Worker	38	\$20.44	Hour
47-2211	Sheet Metal Worker	40 *	\$20.44	Hour
47-2221	Structural Steel Worker	84	\$15.63	Hour
47-2221	Structural Steel Worker	29	\$17.34	Hour
47-5081	Drilling Assistant	3	\$21.35	Hour
49-1011	Mechanic Supervisor	8	\$32.00	Hour
49-3031	Automotive Mechanic	15	\$24.33	Hour
49-3031	Service Technician	4	\$28.81	Hour
49-3042	Construction Equipment Mechanic	31	\$19.60	Hour
49-3042	Construction Equipment Mechanic	35 *	\$21.77	Hour
49-3042	Heavy Equipment Mechanic	106	\$19.60	Hour
49-3042	Heavy Equipment Mechanic	18	\$21.77	Hour
49-3042	Heavy Equipment Mechanic	11 *	\$21.77	Hour
49-3051	Marine Mechanic	17 *	\$25.30	Hour
49-9021	Air Conditioning & Refrigeration Mechanic	15	\$18.81	Hour
49-9021	Air Conditioning & Refrigeration Mechanic	2	\$21.91	Hour
49-9021	Air Conditioning Technician	2	\$18.81	Hour
49-9021	Air Conditioning Technician	2	\$21.91	Hour

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
49-9021	HVAC & Refrigeration Mechanic	68	\$18.81	Hour
49-9021	HVAC & Refrigeration Mechanic	41	\$21.91	Hour
49-9021	HVAC Mechanic	3 *	\$21.91	Hour
49-9021	HVAC Technician	3 *	\$21.21	Hour
49-9043	Maintenance Technician	20	\$18.39	Hour
49-9071	General Maintenance & Repair Worker	4	\$14.75	Hour
49-9071	Machinery Maintenance & Repair Worker	4	\$14.35	Hour
49-9071	Maintenance Engineer	21	\$14.35	Hour
49-9096	Rigger	5 *	\$29.82	Hour
49-9098	Equipment Technician	10	\$12.42	Hour
49-9098	Elevator Installer Helper	6	\$12.42	Hour
51-2021	Electric Motor Rewinder	11 *	\$22.13	Hour
51-3011	Baker	29	\$11.52	Hour
51-4121	Welder	143	\$18.87	Hour
51-4121	Welder	53	\$20.30	Hour
51-4121	Welder	37 *	\$20.30	Hour
51-4121	Welder/Fitter	13 *	\$20.25	Hour
51-9061	Quality Control Inspector	6 *	\$20.02	Hour
51-9124	Lead Transportation Equipment Painter	2 *	\$23.31	Hour
51-9124	Painter/Blaster	13 *	\$23.31	Hour
53-1043	Crane Operator Supervisor	24	\$34.00	Hour
53-1043	Rigger Supervisor	8	\$30.00	Hour
53-3032	Heavy & Tractor Trailer Truck Driver	25	\$17.46	Hour
53-7021	Crane Operator	3	\$31.36	Hour
53-7021	Crane Operator	5	\$33.00	Hour
53-7021	Crane Operator	3 *	\$32.71	Hour

* Occupations are pending Governor's certification as of 10/25/2024.

Appendix II. Background

Overview

The H-2B program allows U.S. employers to bring alien workers to the United States to fill temporary non-agricultural jobs.¹² To petition successfully for this alien classification, the employer must establish the following facts¹³:

- 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 peak load need, or an intermittent need;¹⁴
- qualified workers in the U.S. are not available to perform the temporary work; and
- the employment of the H-2B alien 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 alien workers, the employer must obtain a valid temporary labor certification (TLC) from DOL or, if the alien worker(s) will be employed in Guam, from the Governor of Guam.¹⁵ H-2B petitions may include multiple alien workers, including up to 25 named alien workers per petition if the alien workers will be performing the same service, for the same period of time, and in the same location.¹⁶ Prior to January 17, 2025, an H-2B alien worker was required to be from a country on a list of “Eligible Countries,” designated by DHS in a notice published in the Federal Register, unless it was determined to be in the U.S. interest that a foreign worker from any country not on this list be granted H-2B status.¹⁷ In accordance with this prior regulatory provision, effective November 9, 2023, DHS, in consultation with DOS, added Bolivia to the list of countries eligible to participate in the H-2A and H-2B visa programs.¹⁸

¹² See INA § 101(a)(15)(H)(ii)(b), 8 U.S.C. § 1101(a)(15)(H)(ii)(b).

¹³ See 8 C.F.R. § 214.2(h)(6)(ii)(B) and (iv)(A).

¹⁴ The National Defense Authorization Act (NDAA) for Fiscal Year 2018 created a time-limited exemption from the temporary need requirement for certain H-2B alien workers performing services or labor related to the military realignment on Guam and in the Commonwealth of the Northern Mariana Islands (CNMI). See Section 1049 of the FY 2018 NDAA, Pub. L. 115-91 (PDF), 131 Stat. 1283, 1558 (December 12, 2017), as amended by Section 1045 of the FY 2019 NDAA, Pub. L. 115-232 (PDF), 132 Stat. 1636, 1959 (August 13, 2018) Section 9502 of the FY 2021 NDAA, Pub. L. 116-283 (PDF) (January 1, 2021), Section 5901 of the FY 2023 NDAA, Pub. L. 117-263 (PDF) (December 23, 2022), and Section 1807 of the FY 2024 NDAA, Pub. L. 118-31 (PDF) (December 22, 2023).

¹⁵ See 8 C.F.R. § 214.2(h)(6)(iii)(A) and (C).

¹⁶ See 8 C.F.R. § 214.2(h)(2)(ii).

¹⁷ See prior (now removed) 8 C.F.R. § 214.2(h)(6)(i)(E).

¹⁸ Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H-2A and H-2B Nonimmigrant Worker Programs, 88 FR 77343 (Nov. 9, 2023).

Throughout FY 2024, DHS maintained its authority to add countries to the eligible countries list at any time and to remove any country at the time it publishes a new list, should DHS and DOS determine that a country fails to meet the requirements for continued designation. Examples of factors that could result in the exclusion of a country or the removal of a country from the list include, but are not limited to: fraud (e.g., fraud in the H-2 petition or visa application process by nationals of the country, the country's level of cooperation with the U.S. government in addressing H-2 associated visa fraud, and the country's level of information sharing to combat immigration-related fraud), visa overstay rates for nationals of the country (including but not limited to H-2A and H-2B visa overstay rates), and non-compliance with the terms and conditions of the H-2 visa programs by nationals of the country.

On December 18, 2024, USCIS published a Final Rule titled “Modernizing H-2 Program Requirements, Oversight, and Worker Protections” (“2024 H-2 Final Rule”).¹⁹ Among other changes, the Final Rule removed the requirement that USCIS may generally only approve petitions for H-2 status for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as eligible to participate in the H-2 programs. The rule took effect on January 17, 2025, and H-2B petitions filed on or after that date may include beneficiaries from any country.

The H-2B Cap

The *Immigration Act of 1990* limits the number of alien workers who may be granted H-2B classification in a fiscal year (the H-2B “cap”) to 66,000.²⁰ Subsequently, section 405 of the *REAL ID Act of 2005* mandated that the H-2B cap be allocated semiannually, allowing for up to 33,000 H-2B alien workers in the first half of the fiscal year (October 1 – March 31), and for the remaining H-2B visas to be allocated to alien workers during the second half of the fiscal year (April 1 – September 30).²¹ USCIS will announce that it will no longer accept further H-2B petitions upon determining that it has received a sufficient number of petitions to ensure that the statutory caps will not be exceeded. In making this determination, USCIS takes into account historical data related to approvals, denials, revocations, and other relevant factors.²²

Supplemental Visas for FY 2024

In accordance with Section 101(6) of Division A of Public Law 118-15, Continuing Appropriations Act, 2024 and Other Extensions Act, which extended the authorization previously provided in Section 303 of Division O of the Consolidated Appropriations Act, 2023, Public Law 117-328, DHS and DOL jointly published a temporary final rule (TFR) increasing the cap on H-2B visas by up to 64,716 additional visas for FY 2024.²³ This TFR authorized the maximum number of H-2B supplemental visas and then made them available for all of FY 2024.

¹⁹ *Modernizing H-2 Program Requirements, Oversight, and Worker Protections*, 89 FR 103202 (Dec. 18, 2024).

²⁰ See INA § 214(g)(1)(B), 8 U.S.C. § 1184(g)(1)(B).

²¹ See INA § 214(g)(10), 8 U.S.C. § 1184(g)(10).

²² See 8 CFR § 214.2(h)(8)(vii).

²³ *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2024 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, 88 FR 80394 (Nov. 17, 2023); see also *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2024 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers: Correction*, 88 FR 81341 (Nov. 22, 2023);

The 64,716 supplemental visas were made available in several allocations to assist U.S. businesses that need alien workers to begin work on different start dates. The supplemental H-2B visas have been divided into the following allocations:

- 20,716 H-2B visas were made available for returning alien workers (alien workers who received an H-2B visa or were otherwise granted H-2B status in FY 2021, FY 2022, or FY 2023) with a start date on or before March 31, 2024.
- 19,000 H-2B visas were made available for such returning alien workers with start dates from April 1, 2024, to May 14, 2024.
- 5,000 H-2B visas were made available for returning alien workers with start dates from May 15, 2024, to September 30, 2024.
- 20,000 visas were set aside for nationals of El Salvador, Guatemala, Honduras, Haiti, Colombia, Ecuador, and Costa Rica, who were exempt from the returning alien worker requirement, and were available for the entirety of FY 2024.²⁴

These supplemental visas were available to U.S. businesses that attested that they suffered irreparable harm or would suffer impending irreparable harm without the ability to employ all the H-2B alien workers requested in their petition. The TFR also contained provisions that required U.S. businesses to conduct additional recruitment of U.S. workers dependent on the filing date for the supplemental visa(s); to comply with document retention requirements; to demonstrate irreparable harm; and to verify that additional recruitment was conducted upon an audit.

In total, 62,296 additional H-2B visas were issued under the supplemental cap in FY 2024. This includes 17,879 H-2B visas for nationals of El Salvador, Guatemala, Honduras, Haiti, Colombia, Ecuador, or Costa Rica, and 44,417 H-2B visas for returning alien workers.

Portability Rules

A portability provision in the FY 2024 TFR allows H-2B alien workers to begin work immediately with a new H-2B employer through the end of January 24, 2025.²⁵ Under this provision, all H-2B petitioners with a valid TLC are permitted to start employing certain alien workers currently in the United States and in valid H-2B status immediately after USCIS received the H-2B petition filed by a new petitioning employer, but no earlier than the start date of employment listed on the H-2B petition.

These provisions are similar to the portability provision implemented in prior H-2B TFRs and have generally been available to petitioners and H-2B alien workers initiating employment since May 25, 2021. The 2024 H-2 Final Rule provides permanent portability to H-2B alien workers.²⁶

²⁴ The number of approved alien workers exceeded the number of additional visas authorized for FY 2024 to allow for the possibility that some approved alien workers would either not seek a visa or admission, would not be issued a visa, or would not be admitted to the United States.

²⁵ See *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2024 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, 88 FR 80394 (Nov. 17, 2023). The portability provided under the FY 2024 TFR provision has since been extended to January 24, 2026. See *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2025 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, 89 FR 95626 (Dec. 2, 2024).

²⁶ *Modernizing H-2 Program Requirements, Oversight, and Worker Protections*, 89 FR 103202 (December 18, 2024).

Exemptions from the H-2B Cap

Generally, an alien worker whose stay in H-2B status is extended will not be counted against the H-2B cap again. Additionally, the following alien workers are exempt from the H-2B cap:

- H-2B alien workers in the United States or abroad who have been previously counted toward the cap in the same fiscal year;
- Fish roe processors, fish roe technicians, and supervisors of fish roe processing;²⁷ and
- From November 28, 2009, until December 31, 2029, certain alien workers performing labor or services in the Commonwealth of the Northern Mariana Islands (CNMI) or Guam.²⁸

Spouses and children of H-2B alien workers fall under a separate visa classification (H-4) and are not counted against the H-2B cap.²⁹ Once the H-2B cap is reached, USCIS may only accept petitions for H-2B alien workers who are cap-exempt. H-2B petition approvals on behalf of aliens who are exempt from the H-2B cap are generally included in the data provided in this report.

Obtaining H-2B Status

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

- Admission as an H-2B alien by CBP at a port of entry after issuance of an H-2B nonimmigrant visa by DOS;
- Admission as an H-2B alien by CBP at a port of entry without a visa, such as in the case of certain Canadian and Bermudian citizens, Bahamian nationals, and British subjects residing in certain islands;
- Change of alien status to H-2B granted by USCIS; or
- An alien worker already in the United States that is approved for an extension of stay.

²⁷ See Pub. L. No. 108-287, § 14006, 118 Stat. 951, 1014 (2004).

²⁸ See 48 U.S.C. § 1806(a)(2) as amended by sec. 3 of Pub. L. 115-218; 48 U.S.C. 1806(b).

²⁹ See INA § 214(g)(2), 8 U.S.C. § 1184(g)(2); 8 C.F.R. § 214.2(h)(8)(ii)(A).