



U.S. Department of Homeland Security

DHS to Supplement H-2B Cap with Nearly 65,000 Additional Visas for FY 2024

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Increase Will Help Address the Need for Seasonal Workers and Reduce Irregular Migration

WASHINGTON – Today, the Department of Homeland Security (DHS), in consultation with the Department of Labor (DOL), announced that it expects to make an additional 64,716 H-2B temporary nonagricultural worker visas available for Fiscal Year (FY) 2024, on top of the congressionally mandated 66,000 H-2B visas that are available each fiscal year. These additional H-2B visas represent the maximum permitted under the September 2023 Fiscal Year 2024 Continuing Resolution. American businesses in industries such as hospitality and tourism, landscaping, seafood processing, and more turn to seasonal or other temporary workers in the H-2B program to help them meet demand from consumers. The supplemental visa allocation will help address the need for seasonal or other temporary workers in areas where too few U.S. workers are available, helping contribute to the American economy. The H-2B visa expansion advances the Biden Administration’s pledge, under the Los Angeles Declaration for Migration and Protection, to expand lawful pathways as an alternative to irregular migration.

By announcing plans to make these supplemental visas available at the outset of FY 2024, the Departments will ensure U.S. businesses with workforce needs are able to plan ahead and find the seasonal and other temporary workers they need. At the same time, DHS and DOL have put in place robust protections for U.S. and foreign workers alike, including by ensuring that employers first seek out and recruit American workers for the jobs to be filled, as the visa program requires, and that foreign workers hired are not exploited by unscrupulous employers. Most recently, both DHS and DOL proposed regulations to further strengthen worker protections in the H-2A and H-2B visa programs, and the White House-led H-2B Worker Protection Taskforce released a [report \(https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/19/biden-harris-administration-releases-report-of-the-h-2b-worker-protection-taskforce/\)](https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/19/biden-harris-administration-releases-report-of-the-h-2b-worker-protection-taskforce/), detailing new actions to be taken by Federal government agencies to strengthen protections for vulnerable H-2B and similarly situated U.S. workers.

“The Department of Homeland Security is committed to maintaining strong economic growth and meeting the labor demand in the United States, while strengthening worker protections for U.S. and foreign workers,” said **Secretary of Homeland Security Alejandro N. Mayorkas**. “We are using the tools that we have available to bolster the resiliency of our industries and release the maximum number of additional H-2B visas for U.S. businesses to ensure they can plan for their peak season labor needs. We also continue to take steps to strengthen protections for workers and safeguard the integrity of the program from unscrupulous employers who would seek to exploit workers by paying substandard wages and maintaining unsafe work conditions. Our maximum use of the H-2B visa program also continues to build on our commitment to expand lawful pathways as an alternative to irregular migration, thereby cutting out the ruthless smugglers who prey on the vulnerable.”

The H-2B supplemental is expected to include an allocation of 20,000 visas to workers from Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, and Honduras. This country specific allocation is part of the Biden-Harris Administration’s efforts to build a safe, orderly, and humane immigration system that includes expanding lawful pathways for immigration while strengthening consequences for those without a legal basis to remain in the United States.

In addition to the 20,000 country specific allocation, 44,716 supplemental visas would be available to returning workers who received an H-2B visa, or were otherwise granted H-2B status, during one of the last three fiscal years. The regulation would allocate these supplemental visas for returning workers between the first half and second half of the fiscal year to account for the need for additional seasonal and other temporary workers over the course of the year, with a portion of the second half allocation reserved to meet the demand for workers during the peak summer season.

The H-2B program permits employers to temporarily hire noncitizens to perform nonagricultural labor or services in the United States. The employment must be of a temporary nature, such as a one-time occurrence, seasonal need, or intermittent need. Employers seeking H-2B workers must take a series of steps to test the U.S. labor market. They must obtain certification from DOL that there are not enough U.S. workers who are able, willing, qualified, and available to perform the temporary work for which they seek a prospective foreign worker, and that employing H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.

The maximum period of stay in H-2B classification is three years. A person who has held H-2B nonimmigrant status for a total of three years must depart and remain outside of the United States for an uninterrupted period of three months before seeking readmission as an H-2B nonimmigrant.

DHS and DOL are committed to protecting all H-2B workers from exploitation and abuse, and of ensuring, consistent with law, that employers do not refuse to hire or appropriately recruit U.S. workers who are able, willing, qualified, and available to perform the temporary work. The forthcoming temporary final rule implementing this allocation is expected to feature several provisions to protect both U.S. and H-2B workers.

Additional details on H-2B program safeguards, as well as eligibility and filing requirements, will be available in the temporary final rule when published and on the USCIS webpage.

Topics

[CITIZENSHIP AND IMMIGRATION SERVICES \(/TOPICS/CITIZENSHIP-AND-IMMIGRATION-SERVICES\)](#)

Keywords

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