

More Than Twice as Many H-2B Visas to be Available for Summer Season

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As they did for [last summer](#), the Department of Homeland Security (DHS) and the Department of Labor (DOL) will make available an additional 35,000 H-2B temporary nonagricultural worker visas for the second half of FY 2022. This more than doubles the usual 33,000 allocation or cap for the summer.

Of the new 35,000 visas, 23,500 will be allocated to returning workers (those who received H-2B status within the past three years) and 11,500 will be allocated to nationals from El Salvador, Guatemala, Haiti, and Honduras, regardless of whether they are returning workers. Last year, the special allocation included only the Northern Triangle countries. This year, Haiti has been added.

Secretary of DHS Alejandro J. Mayorkas [said the new release is due](#) to demand in the labor market and is meant to “support American businesses and expand legal pathways for workers seeking to come to the United States.” This should please some businesses, such as hotels, restaurants, and other service providers in summer tourist areas. However, last year, despite the additional allocation, [all the extra visas were snatched up quickly](#) (except for a few left over from the Northern Triangle allocation).

H-2B visas allow employers to bring foreign national workers to the United States for temporary, seasonal, nonagricultural jobs. There is a three-step process involved. First, the employer must prove to DOL that there are not enough U.S. workers available to do the job and that bringing in foreign nationals for these positions will not adversely affect the wages and working conditions of U.S. workers. Then, a petition must be filed with USCIS. Finally, if all of that is approved, the [worker must apply for an H-2B visa abroad](#).

Some workers are [exempt from the cap](#):

- Workers in the United States in H-2B status who extend their stay, change employers, or change the terms and conditions of their employment;
- Fish roe processors, fish roe technicians, and their supervisors;

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- Workers who will be doing jobs in the Commonwealth of Northern Mariana Islands or Guam.

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