

# DHS Issues Guidance on Additional H-2B Temporary Nonagricultural Visas Allocated for FY 2023

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The Department of Homeland Security (DHS) has provided guidance on the additional 64,716 H-2B temporary nonagricultural worker visas available for fiscal year 2023.

H-2B visas allow employers to bring workers to the United States to perform temporary nonagricultural seasonal work. The statute limits the total number of H-2B visas per year to 66,000. In recent years, there has been more demand than visas available. In October 2022, [DHS announced](#) that an additional 64,716 H-2B temporary nonagricultural worker visas would be available for fiscal year 2023. Now, [DHS is setting out exactly for whom and when](#) those visas will be available during the fiscal year.

Details for the additional allocation include:

- 20,000 of the additional visas are reserved for nationals from El Salvador, Guatemala, Haiti, and Honduras.
  - Employers requesting start dates in the first half of FY 2023 may file petitions immediately after December 15, 2022.
    - Premium processing is not available until January 3, 2023.
  - Employers requesting start dates in the second half of FY 2023 may file no earlier than 15 days after the second half statutory cap is met. USCIS will identify this date in a public announcement.
- 18,216 additional visas are immediately available for returning workers from any eligible country.
  - These petitions must request a start date on or before March 31, 2023.
    - Premium processing is not available until January 3, 2023.
- 16,500 additional visas are available for returning workers from any eligible country.

- These petitions must request a start date from April 1, 2023, to May 14, 2023.
- Petitions may be filed no earlier than 15 days after the second half of the statutory cap is met. USCIS will identify this date in a public announcement.
- 10,000 additional visas are available for returning workers from any eligible country.
- These petitions must request a start date from May 15, 2023, to September 30, 2023.
- Petitions may be filed no earlier than 45 days after the second half statutory cap is reached. USCIS will identify this date in a public announcement.

All petitions filed under the additional allocation must be filed at the California Service Center. Among other requirements, all employers requesting visas under the additional allocation must attest:

- That they are suffering or will suffer impending irreparable harm without the ability to employ all the H-2B workers requested on the petition; and
- That employing the H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.

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