

# DHS Proposes Modernization of H-2 Temporary Visa Programs and Strengthens Worker Protections

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The Department of Homeland Security (DHS) has announced a [proposed rule](#) aimed at modernizing the H-2 temporary visa programs, which include the H-2A visa for agricultural workers and the H-2B visa for short-term, seasonal, non-agricultural temporary workers. This rule intends to modify the programs to provide greater flexibility and protections for temporary workers, enhance program efficiency, and safeguard vulnerable workers from exploitation and abuse. Secretary of Homeland Security Alejandro N. Mayorkas emphasized the importance of these reforms in addressing worker shortages and ensuring the rights and welfare of temporary workers.

## Strengthening Worker Protections

The proposed rule introduces several key provisions aimed at strengthening worker protections and ensuring their well-being:

- 1. Whistleblower Protections:** Currently, only H-1B visa holders have whistleblower protections, preventing employers from retaliating against workers who report violations of visa stipulations. The proposed rule would extend these protections to H-2A and H-2B visa holders, addressing documented risks of exploitation, trafficking, and abuse faced by these workers.
- 2. Prohibition of Employer-Imposed Fees:** The rule would clarify and enforce prohibitions on employers collecting certain fees from H-2 workers.
- 3. Greater Flexibility for H-2 Workers:** The proposed rule introduces grace periods for H-2 workers to seek new employment, prepare for departure from the United States, or pursue a change of immigration status.
- 4. H-2 Portability:** Making H-2 portability permanent would enable employers facing worker shortages to hire H-2 workers who are already legally in the United States while their H-2 petition is pending, providing employers with a valuable resource to address labor gaps.

DHS's proposed rule represents a significant step toward modernizing the H-2 temporary visa

programs. As the public comment period begins, stakeholders and interested parties have the opportunity to provide their input on these changes.

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National Law Review, Volumess XIII, Number 262

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