**Fact Sheet: H-2B Visas**

***What is the H-2B visa?***

**The H-2B visa allows foreign nationals to work in temporary nonagricultural jobs.** These jobs must be temporary because they are seasonal, due to an intermittent need, a one-time occurrence, or due to a peak-load need. The guest worker program is [administered](https://fas.org/sgp/crs/homesec/R44306.pdf) by the Department of Homeland Security’s (DHS) U.S. Citizenship and Immigration Services (USCIS) and the Department of Labor’s (DOL) Employment and Training Administration (ETA).

***How do H-2B holders contribute to our economy?***

**H-2B workers contribute by filling job shortages and more H-2B workers correlate with higher wages for all workers and more economic growth.** According to a 2010 report by Immigration Works USA and the U.S. Chamber of Commerce, a 1 percent increase in the number of H-2B workers was associated with a 0.05 percent increase in wages for skilled and unskilled U.S. workers, both citizens and non-U.S. citizens. The report indicated that the H-2B program increases job opportunities for and does not adversely affect U.S. citizen workers.

***In what industries do H-2B visa holders work?***

**A wide-variety of industries.** Approximately [40 percent](http://globalworkers.org/iii-h-2b-workers-us-data) of all H-2B jobs are in landscaping and groundskeeping. The second largest industry for H-2B workers is forestry, comprising approximately [eight percent](https://www.epi.org/publication/frequently-asked-questions-about-the-h-2b-temporary-foreign-worker-program/#1) of H-2B positions. Other industries with significant numbers of H-2B workers include: amusement/recreation, hospitality (maids/housekeeping and hotel staff), meat/fish processing, construction, and restaurant (chefs, waiters/waitresses, and dishwashers).

***What states have the highest number of H-2B visa holders?***

The table below lists the top 10 states with the highest number of H-2B visa holders for fiscal year (FY) 2017:

**Approved H-2B Visas by State for FY 2017**

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| --- | --- |
| **State** | **Total Number of Visas** |
| Virginia | 16,611 |
| Texas | 14,810 |
| Colorado | 5,548 |
| Florida | 4,585 |
| Georgia | 3,922 |
| Louisiana | 3,482 |
| Pennsylvania | 2,568 |
| New York | 2,444 |
| Missouri | 2,280 |
| Arizona | 2,216 |

*Source: USCIS, 2017,* [*https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H-2B/FY17-H2B-Cap-Subject-Characteristic-12.07.17.pdf*](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H-2B/FY17-H2B-Cap-Subject-Characteristic-12.07.17.pdf)

***What countries do H-2B visa recipients come from?***

**In 2015, more than 70 percent of H-2B visa holders were from Mexico**. Of the remainder, Jamaica, Guatemala, the Philippines, and Great Britain were the countries who sent the most foreign nationals to work in the U.S. under H-2B visas.

***How many H-2B visas are granted each year?***

Congress caps the annual number of H-2B workers by statute. **The current annual** [**cap**](https://www.uscis.gov/working-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-h-2b-nonimmigrants) **is 66,000 per fiscal year**, with 33,000 issued during the first half of the fiscal year (between October 1 and March 31) and 33,000 for the second half of the fiscal year (between April 1 and September 30). In March 2018, Congress passed a [spending bill](https://www.congress.gov/bill/115th-congress/house-bill/1625/text) that allows the administration to release additional H-2B visas based on employer need up to the number issued the previous year, potentially doubling the number of H-2B visas.

In May, as a result of [high demand](https://www.uschamber.com/sites/default/files/4-11-18_cap_letter_to_dhs-dol.pdf) for foreign workers by employers, DHS [Secretary Kirstjen Nielsen](https://www.reuters.com/article/us-usa-immigration-visas/u-s-adds-15000-visas-for-seasonal-non-farm-workers-idUSKCN1IQ2XY) released 15,000 more H-2B visas for temporary nonimmigrant workers.

***How does an employer qualify for H-2B workers?***

To petition for an H-2B visa worker, an employer must submit a [temporary labor certification](https://www.foreignlaborcert.doleta.gov/pdf/ETA_Form_9142B.pdf) – a certification granted by the Department of Labor that there are no qualified U.S. workers available for an open position. Next, the employer must complete a [Form I-129, Petition for Nonimmigrant Worker](https://www.uscis.gov/i-129), on behalf of a [specific prospective foreign national employee](http://www.alllaw.com/articles/nolo/us-immigration/i-129-legal-guide-work-visas.html), and submit the form to USCIS. The petitioning employer has to provide evidence that the H-2B visa falls into one of the following categories – [intermittent need, peak-load need, or seasonal need](https://www.prideimmigration.com/h-visas/h2b-visa-status-faq/#What_is_meant_by_one-time_occurrence) – and is a one-time occurrence. In select [circumstances](https://www.uscis.gov/sites/default/files/USCIS/Resources/C1en.pdf), an employer may extend the one year duration of the H-2B by two years, totaling a maximum duration of three years.

For a more USCIS guidance on the requirements for employers to petition for H-2B visas, click [here](https://www.uscis.gov/working-united-states/temporary-workers/h-2b-temporary-non-agricultural-workers).

***What must a foreign national do to apply for an H-2B visa?***

**Prospective H-2B workers must meet the following requirements:**

* Provide Copy of Notice of Approval of H-2B Petition from the employer; the employer petition must be approved before foreign national can be considered for an H-2B visa.
* Be a citizen of one of the eligible H-2B countries. For complete list, click [here](https://www.uscis.gov/news/alerts/uscis-announces-countries-eligible-h-2a-and-h-2b-visa-programs).
* Provide evidence of ongoing ties to their home country to demonstrate their likelihood of return after the H-2B visa expires.
* Complete relevant government forms, including [DS-156](https://www.immihelp.com/forms/ds156fill.pdf) (Application for Nonimmigrant Visa) and, for males between 16 and 45 years of age, [DS-157](https://eforms.state.gov/Forms/ds157.pdf) (Supplemental SIV Chief of Mission Application).
* Provide other relevant fees and documentation, including foreign passport, passport-style photo, and application fees. The cost of the application fees vary but recently have been estimated to be $[190](https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/fees-visa-services.html#temp).

***What are the conditions of an H-2B visa?***

**The following conditions apply to foreign nationals working under H-2B visas:**

* Authorization for temporary work in the U.S.
* Eligibility for employee benefits, to the extent they are offered by their employer.
* Authorization to travel into and out of U.S. without limitation.
* Ability to change positions with their current H-2B employer
  + For an H-2B worker to change positions, the employer must file a new [Form I-129, the Petition for Nonimmigrant Worker](https://www.uscis.gov/i-129) and submit to appropriate USCIS Regional Service Center for approval.
* The visa is not transferable from one employer to another.
  + If H-2B visa holder wants to work for new employer in similar position, the H-2B visa holder would need a new H-2B visa. The new employer must submit [ETA Form 750](https://www.foreignlaborcert.doleta.gov/pdf/ETA_Form_9142B.pdf) and begin a new H-2B visa process.
* Must receive guaranteed job offer by employer for temporary work prior to U.S. arrival. The foreign national is responsible for finding a sponsor to petition for H-2B workers.
* Receive [prevailing wage rate](https://www.dol.gov/whd/regs/compliance/whdfs78c.htm) in the locality. The use of the prevailing wage is to ensure that H-2B workers earn the same wages as a U.S. worker in the same occupation.
* Dependent spouses or minor children (under 21 years of age) are eligible for an [H-4 visa and are permitted](https://www.uscis.gov/working-united-states/temporary-workers/employment-authorization-certain-h-4-dependent-spouses) to reside with the visa holder. Dependent H-4 visa holders are not authorized for employment, but may study in the U.S.
* No pathway to obtain a green card or citizenship. H-2B visa holders are not permanent U.S. residents. H-2B workers may obtain a green card through existing avenues – employment, family, or diversity immigrant visas.

For regulations governing H-2B worker protections, click [here](https://www.gpo.gov/fdsys/pkg/FR-2015-04-29/pdf/2015-09694.pdf).