

MIGRATION PATHWAYS

H-2B program

Overview

The US government allows US employers to file H-2B petitions on behalf of temporary foreign workers for seasonal nonagricultural work, such as work at ski resorts or crab-processing facilities. The program aims to satisfy temporary labor market needs. The annual cap is fixed, but some exemptions are included in annual appropriations bills.

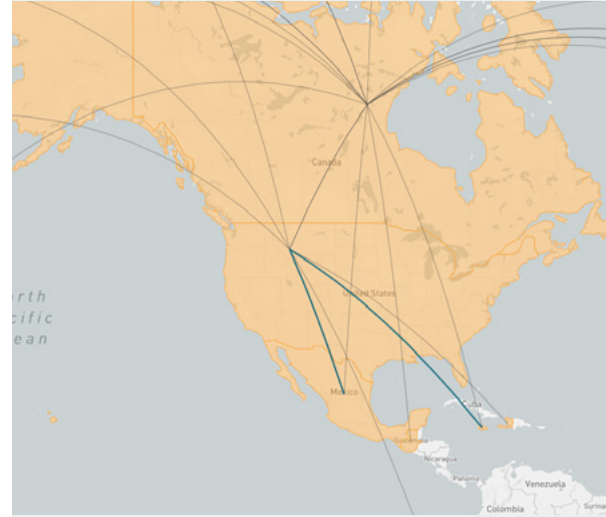
Why was it started?

The H-2 visa program is a result of World War II-era arrangements established by the War Food Administration that brought guestworkers in from the Caribbean islands to work under contracts similar to those in the US–Mexico Bracero program. In 1952, Congress formally recognized the need for temporary guestworkers and established the H-2 temporary visa category as part of the Immigration and Nationality Act (INA). Unlike previous government-to-government labor agreements, the H-2 visa program allowed US employers to recruit workers directly from any country, giving employers direct control over guestworkers' visas. The 1986 Immigration Reform and Control Act divided the H-2 program into two visa programs: H-2A for agricultural workers and H-2B for non-agricultural workers.

How does it work?

Under the H-2B program, employers recruit US workers for the specified position and report to the state workforce agency. If no US workers can be found and the Department of Labor approves the application, the labor certification is submitted within an application to the US Citizenship and Immigration Services (USCIS).

The annual cap of 66,000 total H-2B beneficiaries has remained constant, regardless of labor market conditions, since 1990. Half of the slots are filled in the first half of the year and the other half in the second half. During just the first 24 hours of the 2020 H-2B peak filing season, employers filed more than 87,298 worker positions for the 33,000 spots available. Top H-2B occupations in recent years have included landscaping workers, forest workers, housekeepers, amusement park workers, and meat and fish cutters. In FY2020, 46 percent of workers certified were landscaping or groundskeeping workers.



Country of Destination
UNITED STATES

Country of Origin
**84 ELIGIBLE COUNTRIES
(BENEFICIARIES COME PRIMARILY
FROM MEXICO AND JAMAICA)**

Skill
**SEASONAL NONAGRICULTURAL
WORK** 🇺🇸

Skill Level
LOW

Timeline
NOVEMBER 6, 1986–ONGOING

Beneficiaries
66,000 PEOPLE A YEAR

Countries all around the world utilize migration pathways to train and bring over workers with needed skills. The CGD Migration Pathways database documents these pathways to promote innovation in this space. To explore the database, visit GSP.cgdev.org.

Across seasons, H-2B visa holders' total stay in the United States may not exceed three consecutive years. However, once an H-2B visa holder has been outside of the country for three months, he or she may renew the visa, pending approval from the application process. Unlike in the H-2A visa program, employers do not have to provide housing, transportation, or workers' compensation insurance to H-2B visa holders (except forestry workers). Dependents may join on an H-4 visa.

H-2B employers pay a fraud prevention and detection fee, which supports efforts by the Department of Homeland Security to eliminate fraud. Despite bans on recruitment fees, however, it remains standard practice for recruiters to charge workers for their services in Mexico, home to the largest number of H-2B beneficiaries. In a 2018 survey, 58 percent of workers reported paying a recruitment fee to their recruiter. The average recruitment fee was US\$590. Although the law requires reimbursement of travel, visa, and recruitment costs that reduce wages below the applicable minimum wage, H-2 workers rarely receive reimbursements. They often arrive to the United States in debt.

What impact has it had?

Demand for the H-2B program is high, with the cap met or exceeded most years since 2003. There are concerns about wages paid to H-2B visa holders, which often fall well below state and national averages for the job they are hired for. The US Department of Labor requires labor certifications, but the findings are self-reported by employers. Some scholars have suggested that there are no labor shortages at the national level in the leading H-2B occupations. However, state agencies, such as the Maryland Department of Agriculture, have

found that companies can hire more American workers as a result of the H-2B program and that without the program the state's economy could suffer US\$100 million–US\$150 million in annual losses.

Further readings

For more information, see the US Government [H-2B Visa Program website](#).

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Last updated: July 2021