



U.S. Citizenship and Immigration Services

[News release originally published](#) by the Department of Homeland Security on May 6, 2019

DHS, DOL Publish Joint Rule for Additional Visas for Returning Foreign Workers

Release Date: May 8, 2019

WASHINGTON – The Department of Homeland Security (DHS) and the Department of Labor (DOL) have published a joint rule making available an additional 30,000 H-2B temporary nonagricultural worker visas for fiscal year (FY) 2019. These supplemental H-2B visas are available only to returning workers who received an H-2B visa, or were otherwise granted H-2B status, during one of the last three fiscal years (FY 2016, 2017, or 2018), and availability is restricted by prioritizing only those businesses who would suffer irreparable harm without the additional workers.

Returning H-2B workers have demonstrated their ability to abide by the terms and conditions of the H-2B program and, therefore, are less likely to remain in the United States and work without authorization after their legal status has expired. H-2B workers often return to the same employer year after year on a seasonal basis, are vetted, trusted, and can have their visas approved more rapidly given their known history.

“The Department of Homeland Security continues to urge lawmakers to pursue a long-term legislative fix that both meets employers’ temporary needs while fulfilling the president’s Buy American and Hire American executive order to spur higher wages and employment rates for U.S. workers,” said Acting Secretary McAleenan. “The truth is that Congress is in the best position to establish the appropriate number of H-2B visas that American businesses should be allocated without harming U.S. workers. Therefore, Congress – not DHS – should be responsible for determining whether the annual numerical limitations for H-2B workers set by Congress need to be modified and by how much, and for setting parameters to ensure that enough workers are available to meet employers’ temporary needs throughout the year.”

Starting May 8, 2019, eligible petitioners can file [Form I-129, Petition for a Nonimmigrant Worker](#), seeking these additional H-2B workers and must submit a supplemental attestation on [Form ETA 9142-B-CAA-3 \(PDF\)](#) with their petition. Details on eligibility and filing requirements are available in the [final rule](#) and on the [Increase in H-2B Nonimmigrant Visas for FY 2019](#) page

DHS is committed to ensuring that our immigration system is implemented lawfully and that American workers are protected. If members of the public have information that a participating employer may be abusing this program, DHS invites them to submit information to ReportH2BAbuse@uscis.dhs.gov and include information identifying the H-2B petitioning employer and relevant information that leads them to believe that the H-2B petitioning employer is abusing the H-2B program.

Last Reviewed/Updated: 05/08/2019