



U.S. Citizenship and Immigration Services

USCIS Announces Addition of 16 Countries Eligible to Participate in the H-2A and H-2B Visa Programs

USCIS and the Department of Homeland Security (DHS), in consultation with the Department of State, have added Andorra, Belgium, Brunei, Colombia, Finland, France, Germany, Greece, Lichtenstein, Luxembourg, Malta, Monaco, San Marino, Singapore, Taiwan**, and Timor-Leste to the list of countries whose nationals are eligible to participate in the H-2A and H-2B Visa programs for the coming year. The notice listing the eligible countries published on Nov. 18, 2015 in the *Federal Register*. DHS reserves the right to add countries to the eligible countries list at any time, and to remove any country at any time DHS determines that a country fails to meet the requirements for continued designation.

Secretary of Homeland Security Johnson and Secretary of State Kerry have agreed that Moldova will no longer be designated as an eligible country to participate in the H-2B program because Moldova is not meeting the standards in the regulation for the H-2B program participation. Nationals of Moldova may still participate in the H-2A program because Moldova continues to meet the standards in the regulation for H-2A program participation.

The H-2A and H-2B Visa programs allow U.S. employers to bring foreign nationals to the United States to fill temporary agricultural and nonagricultural jobs, respectively. Typically, USCIS only approves H-2A and H-2B petitions for nationals of countries the Secretary of Homeland Security has designated as eligible to participate in the programs. USCIS, however, may approve H-2A and H-2B petitions for nationals of countries **not** on the list if it is determined to be in the interest of the United States.

Effective Jan. 18, 2016, nationals of the following countries are eligible to participate in the H-2A and H-2B Visa programs:

Andorra	Ethiopia	Luxembourg	San Marino
Argentina	Fiji	Macedonia	Serbia
Australia	Finland	Madagascar	Singapore
Austria	France	Malta	Slovakia
Barbados	Germany	Moldova*	Slovenia
Belgium	Greece	Mexico	Solomon Islands
Belize	Grenada	Monaco	South Africa
Brazil	Guatemala	Montenegro	South Korea
Brunei	Haiti	Nauru	Spain
Bulgaria	Honduras	The Netherlands	Sweden
Canada	Hungary	Nicaragua	Switzerland
Chile	Iceland	New Zealand	Taiwan**
Colombia	Ireland	Norway	Thailand
Costa Rica	Israel	Panama	Timor-Leste

Croatia	Italy	Papua New Guinea	Tonga
Czech Republic	Jamaica	Peru	Turkey
Denmark	Japan	The Philippines	Tuvalu
Dominican Republic	Kiribati	Poland	Ukraine
Ecuador	Latvia	Portugal	United Kingdom
El Salvador	Lichtenstein	Romania	Uruguay
Estonia	Lithuania	Samoa	Vanuatu

*Moldova is designated to participate in the H-2A program, but it is not eligible to participate in the H-2B program.

** With respect to all references to "country" or "countries" in this document, it should be noted that the Taiwan Relations Act of 1979, Pub. L. No. 96-8, Section 4(b)(1), provides that "[w]henver the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan." 22 U.S.C. § 3303(b)(1). Accordingly, all references to "country" or "countries" in the regulations governing whether nationals of a country are eligible for H-2 program participation, 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1), are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

This notice does not affect the status of beneficiaries who currently are in the United States in H-2A or H-2B status unless they apply to change or extend their status. Each country's designation is valid for one year from Jan. 18, 2016.

For more information on USCIS and its programs please visit www.uscis.gov.

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