



## U.S. Announces Availability Of Additional H-2B Visas For Fiscal Year 2024

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The Department of Homeland Security and the Department of Labor published a temporary final rule making available an additional 64,716 H-2B temporary nonagricultural worker visas for fiscal year 2024, on top of the statutory cap of 66,000 available each fiscal year. The additional H-2B visas will bring the total to more than 130,000 for Fiscal Year 2024. The supplemental visa allocation will help address the need for seasonal or other temporary workers in areas where too few U.S. workers are available.

This temporary final rule mostly mirrors the supplemental allocation of H-2B visas issued in the previous fiscal year; however, this temporary final rule was announced earlier than in previous years. The stated goal of making supplemental visas available at the outset of the federal fiscal year was to “help ensure U.S. businesses with workforce needs are able to plan ahead and find the seasonal and temporary workers they need.”

As a background, the H-2B program permits employers to temporarily employ foreign national workers to perform nonagricultural labor or services in the U.S. The employment must be of a temporary nature, such as a one-time occurrence, seasonal need, or intermittent need. The supplemental visas are available only to U.S. businesses that are suffering irreparable harm or will suffer impending irreparable harm without the ability to employ all the H-2B workers requested in their petition.

The H-2B supplemental allocation includes 20,000 visas reserved for workers

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from Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, and Honduras. The remaining 44,716 supplemental visas are available to returning H-2B workers who received H-2B visas or status during the previous three fiscal years.

Like last year's temporary allocation, the temporary final rule reserves supplemental visas to workers from El Salvador, Guatemala, Haiti, and Honduras. This year's set-aside also includes workers from Colombia, Costa Rica, and Ecuador. The rationale for specifically reserving visas for citizens of these nations is to encourage citizens from the region to pursue lawful pathways for employment opportunities in the US and discourage unauthorized migration to the US.