Press Office
U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services

Press Release

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USCIS PROPOSES SIGNIFICANT CHANGES TO THE H-2B PROGRAM

Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) announced today in the *Federal Register* a proposed rule that would significantly alter the H-2B program. The H-2B program allows U.S. employers to request foreign workers to fill a one-time, peak load, intermittent, or seasonal need for labor when no workers are available in the local job force. Among other things, the new rule would:

- Establish a one-step petition process for U.S. employers seeking H-2B temporary workers,
- Require electronic filing of the Petition for Nonimmigrant Worker (Form I-129) in most instances,
- With limited exceptions, eliminate the need for U.S. employers to obtain a labor certification from the Department of Labor, and
- Establish new management mechanisms allowing USCIS to maintain the integrity of the program.

"Today's announcement is a continuation of the USCIS commitment to streamlining the manner in which we do business," said USCIS Director Eduardo Aguirre. "The changes to the H-2B program will allow us to match a willing employer with a qualified worker in a more timely manner."

Under the proposed one-step process, most employers will no longer be required to file for a labor certification from the Labor Department before filing a petition with the Department of Homeland Security. In the future, most employers will file a petition directly with Homeland Security after conducting their recruitment for U.S. workers.

The proposed rule can be read in its entirety on the *Federal Register* website at http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-1240.htm. The U.S. Department of Labor (DOL) has published a companion regulation in the *Federal Register*. That proposed rule is available at http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-1222.htm. The public is invited to submit comments regarding these provisions for the next thirty days.

These regulations are merely proposals for public consideration and comment. Existing H-2B regulations and policies remain in force until further notice. The issuance of these proposed regulations does not change the statutory cap of 66,000 H-2B nonimmigrant visas which are available each fiscal year. USCIS has announced that the cap for FY 05 was met on January 3rd.

– USCIS –

On March 1, 2003, U.S Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.

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