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DHS to Improve Integrity of Visa Program for Foreign Workers

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U.S. DEPARTMENT OF HOMELAND SECURITY

Office of Public Affairs

DHS to Improve Integrity of Visa Program for Foreign Workers

WASHINGTON – Today, the Department of Homeland Security announced that it will take necessary anti-fraud and abuse measures to protect the integrity of the H-2B visa program and also make available 35,000 supplemental H-2B temporary nonagricultural worker visas for the second half of fiscal year (FY) 2020. The allocation also comes with new conditions to protect American workers, provide relief to seasonal employers who truly need it, and reduce fraud and abuse in the program.

New to the program this year is an allocation that will also complement DHS border security initiatives. The program will offer an opportunity for nationals of key Central American partner nations to work lawfully in the United States. Of the released H-2B visas, 10,000 are specifically designated for nationals of Guatemala, El Salvador, and Honduras, in support of these countries efforts to work with the U.S. to stem the flow of illegal migration in the region and encourage lawful migration to the United States.

While the Department is taking this action, long term reforms need to be made by Congress to this program going forward. In the interim, the Department is taking significant steps to promote integrity in the program, combat fraud and abuse, and ensure the supplemental allocation aligns with the national interest.

Reform measures include:

- Requiring matching start dates on an H-2B petition and the employer's start date of need;
- collaborating with the Department of Labor on increased employer site visits; and,
- generally limiting the supplemental visas to returning workers, who are known to follow immigration law in good faith.

This year's supplemental allocation was determined after extensive consultation with stakeholders—including members of Congress and the Department of Labor—and is

intended to strike a careful balance that benefits American businesses and American workers.

The supplemental visas will be made available in two batches to prevent a small handful of employers from using all the visas: 20,000 for start dates beginning April 1, and 15,000 for start dates beginning May 15. Adding a second batch will address specific congressional concerns about late-season filers.

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 <https://www.uscis.gov/report-fraud/uscis-tip-form> 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. Individuals are also encouraged to report allegations of employer fraud and abuse to the Department of Labor's (DOL) Wage and Hour Division by contacting 1-866-487-9243 or visit www.dol.gov/whd to locate the nearest office for assistance.

Further details regarding this year's H-2B allocation will be contained in a Temporary Final Rule that DHS aims to complete and publish as soon as possible.

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