



Characteristics of H-2B Nonagricultural Temporary Alien Workers

Fiscal Year 2025 Report to Congress

Annual Submission

June 2, 2026



**Homeland
Security**

*U.S. Citizenship and
Immigration Services*

Foreword

June 2, 2026

On behalf of the Department of Homeland Security (DHS), I am pleased to present the Fiscal Year 2025 report on the “Characteristics of H-2B Nonagricultural Temporary Alien Workers.”

Pursuant to statutory requirements, this report is provided to the following Members of Congress:

The Honorable Charles Grassley
Chairman, Senate Committee on the Judiciary

The Honorable Richard Durbin
Ranking Member, Senate Committee on the Judiciary

The Honorable Jim Jordan
Chairman, House Committee on the Judiciary

The Honorable Jamie Raskin
Ranking Member, House Committee on the Judiciary

Please direct report inquiries to the Department of Homeland Security’s Office of Legislative Affairs at CongresstoDHS@hq.dhs.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew S. Ott". The signature is fluid and cursive, with the first name "Andrew" being more prominent and the last name "Ott" following in a similar style.

Andrew S. Ott
Acting Assistant Secretary
Office of Legislative Affairs

Executive Summary

The Department of Homeland Security (DHS) has compiled this Fiscal Year (FY) 2025 report on H-2B aliens from information provided by Department of State (DOS), Department of Labor (DOL), and three Components within DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE).

This report includes data for each half of FY 2025.

Highlights

- A total of 141,298¹ aliens were issued H-2B visas or otherwise acquired H-2B status in FY 2025, with 139,574² H-2B visas issued by DOS, including beneficiaries approved under the FY 2025 Supplemental Cap.
- The top five countries with the most H-2B visas issued by DOS in FY 2025 were:
 - Mexico – 63.5 percent
 - Guatemala – 8.7 percent
 - Jamaica – 7.8 percent
 - Honduras – 5.5 percent
 - El Salvador – 5.5 percent
- 309 requests for change of status to H-2B were approved by USCIS. In such cases, a new visa is not required.³
- 1,415 crossings of visa-exempt H-2B alien workers were processed by CBP.⁴

¹ This number includes H-2B alien workers who are exempt from the H-2B cap and those who were approved under the FY 2025 Supplemental Cap. This number may also include H-2B alien workers who were approved by USCIS with a start date in the preceding fiscal year but were not issued a visa by DOS until the relevant period; and H-2B alien workers who were approved by USCIS with a start date in the next fiscal year but were issued a visa by DOS up to 10 days before such start date and during the relevant period.

² This number includes reissuances.

³ A change of status to H-2B might count against the cap unless the person is cap exempt (e.g., fish roe worker).

⁴ For FY 2025, all 1,415 crossings of visa-exempt H-2B alien workers came from Canada. *See* 8 C.F.R. § 212.1(a) for a list of aliens who are considered visa-exempt. This figure may include multiple admissions by the same aliens. Although an alien may cross the border numerous times (e.g., a Canadian residing in Windsor, Ontario, and commuting daily to work in Detroit, Michigan), he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

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I. Legislative Requirement

This report was prepared in accordance with section 416(d)(2) of the *American Competitiveness and Workforce Improvement Act of 1998*, Pub. L. 105-277, tit. IV, 112 Stat. 2681-641, as amended by section 406 of the *REAL ID Act of 2005*, Pub. L. 109-13, div. B, 119 Stat. 302, enacted May 11, 2005, which requires that:

Beginning in FY 2007, the Secretary of Homeland Security and the Secretary of State shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate –

- (A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act [(INA)] (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;
- (B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and
- (C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

Section 2.5 of this report on H-2B Top 15 petitioners fulfills the requirement set forth in the House Report 117-87, which accompanies the FY 2023 Consolidated Appropriations Act (P.L. 117-103):

H-2B Visa Program Reporting - Not later than 60 days after the date of enactment of this Act, the Department shall report to the Committee on the distribution of visas granted through the H-2B program, including a tabulation of the percentage of overall visas issued to the top 15 employers.

II. Data Report and Analysis

Section 2.1 – Countries of nationality for alien workers who were issued H-2B visas by the Department of State in FY 2025

Based on information provided by DOS, the nationalities of alien workers who were issued H-2B visas in FY 2025 are as follows:

Table 1. Number of H-2B alien workers who were issued H-2B visas by the Department of State, by Nationality, FY 2025

Nationality	Number	Nationality	Number
Grand Total	139,495⁵		
Albania	D	Kenya	D
Antigua and Barbuda	20	Latvia	D
Argentina	164	Lithuania	66
Australia	37	Luxembourg	D
Austria	D	Madagascar	D
Barbados	74	Mauritius	49
Belarus	D	Mexico	88,593
Belgium	D	Moldova	D
Belize	51	Mongolia	38
Bolivia	D	Montenegro	42
Bosnia-Herzegovina	11	Mozambique	D
Brazil	162	Namibia	D
Bulgaria	148	Nepal	D
Cabo Verde	D	Netherlands	27
Cameroon	D	New Zealand	26
Canada	D	Nicaragua	56
Chile	24	Nigeria	D
Colombia	1,505	North Macedonia	53
Costa Rica	708	Norway	D
Croatia	24	Palestinian Authority Travel Document	D
Czech Republic	27	Panama	135
Dominican Republic	327	Paraguay	D
Ecuador	353	Peru	100

⁵ Total does not match yearly summary of 139,574 because the yearly summary includes reissuances. This table uses country of birth totals which includes a distinct count of the beneficiaries.

Nationality	Number	Nationality	Number
Egypt	D	Philippines	3,247
El Salvador	7,670	Poland	77
Estonia	D	Portugal	47
Ethiopia	D	Romania	539
Finland	D	Saint Kitts and Nevis	D
France	30	Saint Lucia	D
Georgia	D	Serbia	742
Germany	D	Slovakia	27
Ghana	D	Slovenia	D
Great Britain and Northern Ireland	220	South Africa	2,261
Greece	35	South Korea	24
Grenada	D	Spain	22
Guatemala	12,183	Sweden	D
Guyana	D	Switzerland	D
Haiti	D	Syria	D
Honduras	7,735	Taiwan	D
Hungary	55	Tajikistan	D
India	16	Thailand	52
Indonesia	D	Togo	D
Ireland	60	Turkey	211
Israel	D	Ukraine	237
Italy	88	Uruguay	D
Jamaica	10,871	Venezuela	D
Japan	115	Vietnam	D
Jordan	D	Zimbabwe	D
Kazakhstan	D		
Note: Per USCIS best practices, units of less than 10 beneficiaries are masked so as to limit the possibility of the de-anonymization of data and replaced with the letter D. However, the total includes the values of all countries, including those marked “D”. *FY 2025 data are subject to change due to system updates.			

Section 2.2 – Occupational information on, and wage offered to, alien workers who were issued H-2B visas or otherwise provided H-2B status in FY 2025

DOL posts data about the H-2B applications for temporary labor certification, which it adjudicates, including occupational information, the pay rate offered to H-2B alien workers, and the location of job opportunities on its website.⁶ The data also includes information about the certification, partial certification,⁷ withdrawal, and denial of temporary employment certification applications.

Guam Department of Labor (Guam DOL) collects similar information but does not routinely publish this information on its website. Please see the Appendix for a chart displaying occupational and compensation data for all H-2B applicants in FY 2025.

USCIS also posts and updates employment data quarterly.⁸

⁶ See <http://www.dol.gov/agencies/eta/foreign-labor/performance>. The legislative requirement described in Section I calls, in part, for occupational information on and compensation paid to aliens. The occupational information includes the position sought and the corresponding wage offer information. DHS relies on DOL to electronically capture such data, including the wage offered to H-2B alien workers. DOL routinely publishes such information online at the link provided.

⁷ A “partial certification” occurs when the DOL Certifying Officer who issues the temporary labor certification reduces either the period of need and/or the number of H-2B alien workers being requested. The employer will then receive an amended ETA Form 9142 and a Final Determination letter that includes the reasons for the partial certification.

⁸ See <https://www.uscis.gov/tools/reports-and-studies/h-2b-employer-data-hub>.

Section 2.3 – H-2B visas or status revoked or otherwise terminated

From October 1, 2024 through September 30, 2025, USCIS revoked or otherwise terminated 44 approved H-2B petitions covering a total of 927 H-2B alien worker positions.

Table 2. Number of H-2B petitions revoked by USCIS and corresponding beneficiaries by month, FY 2025

Month	Number of Petitions	Number of Beneficiaries
Total	44	927
Oct. 2024	1	5
Nov. 2024	4	19
Dec. 2024	2	27
Jan. 2025	10	189
Feb. 2025	2	73
Mar. 2025	3	190
Apr. 2025	4	51
May. 2025	5	47
Jun. 2025	4	69
Jul. 2025	3	9
Aug. 2025	3	87
Sep. 2025	3	161

Also in FY 2025, CBP denied admission to 96 aliens who were found inadmissible at ports of entry,⁹ and ICE removed 346 aliens who were found removable after admission to the United States.¹⁰

During FY 2025, DOS reported refusing the visa applications of a total of 7,062 H-2B aliens.

CBP or ICE may have the authority to revoke a visa, per 22 C.F.R. § 41.122(e), even though they do not have the authority to issue visas, but the cancellation of a visa typically only goes into effect after the affected alien departs from the United States, thereby precluding the person from seeking readmission on the basis of the cancelled visa. The cancellation (visa revocation) and visa refusal data from CBP, ICE, and DOS are not available on a month-to-month basis.

⁹ This number is for beneficiaries who had received an H-2B visa. Of note, no visa-exempt beneficiaries were found inadmissible by CBP in FY 2025.

¹⁰ ICE defines “removed H-2B workers” as those aliens removed with a most recent admission class code of “H2” or “H-2B.” As such, this figure may include aliens admitted in the H-2A classification as temporary or seasonal nonagricultural workers who could also have a most recent admission class code of “H2.” ICE also indicates that admission class code is not a mandatory field, so this figure could be incomplete.

Section 2.4 – Number of aliens who were provided H-2B status during FY 2024 and FY 2025

In FY 2024, a total of 142,063¹¹ aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 139,541 H-2B visas issued by DOS;
- 920 requests for change of status to H-2B approved by USCIS, which are cases in which a visa is not required; and
- 1,602 crossings of visa-exempt H-2B aliens processed by CBP.¹²

In FY 2025, a total of 141,298¹³ aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 139,574 H-2B visas issued by DOS;
- 309 requests for change of status to H-2B approved by USCIS, which are cases in which a visa is not required; and
- 1,415 crossings of visa-exempt H-2B aliens processed by CBP.¹⁴

¹¹ This number includes H-2B alien workers who are exempt from the H-2B cap and those who were approved under the FY 2024 Supplemental Cap. This number may also include H-2B alien workers who were approved by USCIS with a start date in the preceding fiscal year but were not issued a visa by DOS until the relevant period; and H-2B alien workers who were approved by USCIS with a start date in the next fiscal year but were issued a visa by DOS up to 10 days before such start date and during the relevant period.

¹² For FY 2024, all 1,602 crossings of visa-exempt H-2B alien workers came from Canada. See 8 C.F.R. § 212.1(a) and (b) for a list of aliens who are considered visa-exempt. This figure may include multiple admissions by the same aliens. Although an alien may cross the border numerous times, he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

¹³ This number includes H-2B alien workers who are exempt from the H-2B cap and those who were approved under the FY 2025 Supplemental Cap. This number may also include H-2B alien workers who were approved by USCIS with a start date in the preceding fiscal year but were not issued a visa by DOS until the relevant period; and H-2B alien workers who were approved by USCIS with a start date in the next fiscal year but were issued a visa by DOS up to 10 days before such start date and during the relevant period.

¹⁴ For FY 2025, all 1,415 crossings of visa-exempt H-2B alien workers came from Canada. See 8 C.F.R. § 212.1(a) and (b) for a list of aliens who are considered visa-exempt. This figure may include multiple admissions by the same aliens. Although an alien may cross the border numerous times, he or she only counts against the H-2B cap on his or her first admission based on an approved petition.

Section 2.5 – Top 15 H-2B Petitioners

Table 3 below shows the top 15 companies that submitted petitions for H-2B aliens in FY 2025 by the number of approved alien workers. In total, the top 15 petitioners were approved for 17,219 alien workers or about 8.1 percent of the total of 212,186 alien workers approved for H-2B petitions in FY 2025. Note, the number of approved aliens in Table 3 does not reflect the number of aliens ultimately employed or the number of visas issued by DOS as some positions may not be filled, some positions will be filled by aliens currently in H-2B status requesting an extension of stay¹⁵, and some approved aliens may not receive a visa or travel to the United States, among other reasons.

Table 3: Top 15 H-2B Employers, FY 2025

Petitioner (Company) Name	Last Four Digits of the Tax ID Number	Petitioner's State	Number of Approved Beneficiaries
Grand Total			212,186
CORE TECH CONSTRUCTION CORPORATION	0454	GU	2,619
ABC PROFESSIONAL TREE SERVICES INC MEMPHIS	6297	VA	2,157
PROGRESSIVE SOLUTIONS LLC	7036	AR	1,882
PHC CORPORATION	2371	GU	1,788
ROTOLO CONSULTANTS INC	5520	LA	1,028
GENUINE BUILDERS INC	8395	SD	1,024
LANDSCAPE WORKSHOP LLC	6112	AL	918
ALPHA SERVICES LLC	4879	ID	916
STRONGWOOD FORESTRY INC	9115	MS	897
YELLOWSTONE LANDSCAPE CENTRAL INC	0243	TX	737
BVL4441 BRIGHTVIEW LANDSCAPES LLC HILLSIDE NY LONG ISLAND	4313	PA	736
WESTWARD SEAFOODS INC	3701	WA	658
TRIPLE H SERVICES LLC	7045	NC	624
BDG TREES LLC CONROE TX	4343	VA	624
BLACK CONSTRUCTION CORPORATION	4616	GU	611
ALL OTHER COMPANIES	OTHER	OTHER	194,967

Source: USCIS Data as of October 2025.

¹⁵ Title 8 Code of Federal Regulations (8 C.F.R.) § 214.2(h)(8)(ii)(A) provides, in relevant part, "...Requests for petition extension or extension of an alien's stay shall not be counted for the purpose of the numerical limit."

Appendix I.– Guam DOL chart displaying occupational and compensation data for all H-2B applicants in FY 2025

FY 2025 H-2B Characteristics Report – Guam

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
19-5011	Occupational Health & Safety Technician Supervisor	6	\$32.00	Hour
19-5012	Occupational Health & Safety Technician	2	\$30.89	Hour
19-5012	Occupational Health & Safety Technician	2	\$31.00	Hour
19-5012	Occupational Health & Safety Technician	10 *	\$20.65	Hour
31-1122	Personal Care Aide	5	\$16.82	Hour
31-9091	Dental Auxiliary	12	\$18.51	Hour
31-9091	Dental Auxiliary	2	\$16.90	Hour
31-9091	Dental Auxiliary	1	\$17.94	Hour
31-9091	Expanded Functions Dental Assistant	1	\$24.00	Hour
35-2012	Camp Cook	77	\$14.09	Hour
35-2012	Camp Cook	9 *	\$14.09	Hour
37-3011	Landscape Gardener	229	\$11.58	Hour
37-3011	Landscape Gardener	79 *	\$13.91	Hour
43-3031	Accounting Clerk	1	\$14.78	Hour
43-3031	Bookkeeper	3	\$14.78	Hour
43-5061	Planning Clerk	2 *	\$24.10	Hour
47-1011	Construction Supervisor	28	\$26.08	Hour
47-1011	Drilling Supervisor	2	\$26.08	Hour
47-1011	Field Supervisor	13	\$26.08	Hour
47-1011	Field Supervisor	5	\$26.91	Hour
47-1011	Field Supervisor	8 *	\$26.91	Hour
47-1011	Construction Foreman	5	\$26.08	Hour
47-2031	Carpenter	2,148	\$18.34	Hour
47-2031	Carpenter	4	\$22.00	Hour
47-2031	Carpenter	787 *	\$18.34	Hour
47-2031	Lead Carpenter	16	\$18.34	Hour
47-2031	Shipwright Carpenter	15 *	\$18.45	Hour
47-2051	Cement Mason	1,511	\$17.51	Hour
47-2051	Cement Mason	8	\$22.00	Hour
47-2051	Cement Mason	584 *	\$17.51	Hour
47-2073	Heavy Equipment Operator	494	\$18.97	Hour
47-2073	Heavy Equipment Operator	225 *	\$18.97	Hour

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
47-2111	Electrician	623	\$21.02	Hour
47-2111	Electrician	261 *	\$21.02	Hour
47-2141	Painter	234	\$19.82	Hour
47-2141	Painter	135 *	\$19.82	Hour
47-2152	Pipefitter	160	\$19.48	Hour
47-2152	Pipefitter	74 *	\$19.48	Hour
47-2152	Pipefitter	8 *	\$19.33	Hour
47-2152	Plumber	431	\$19.48	Hour
47-2152	Plumber	138 *	\$19.48	Hour
47-2171	Reinforcing Metal Worker	904	\$16.98	Hour
47-2171	Reinforcing Metal Worker	411 *	\$16.98	Hour
47-2181	Roofer	30 *	\$17.71	Hour
47-2211	Sheet Metal Worker	252	\$20.44	Hour
47-2211	Sheet Metal Worker	32 *	\$20.44	Hour
47-2221	Structural Steel Worker	49	\$17.34	Hour
47-4011	Quality Control Inspector	10 *	\$26.07	Hour
47-4021	Elevator Installer	10 *	\$50.42	Hour
47-5081	Drilling Assistant	3	\$22.59	Hour
49-1011	Mechanic Supervisor	8	\$32.00	Hour
49-3031	Automotive Mechanic	18	\$28.81	Hour
49-3031	Service Technician	3	\$30.04	Hour
49-3042	Construction Equipment Mechanic	74	\$21.77	Hour
49-3042	Construction Equipment Mechanic	5	\$24.00	Hour
49-3042	Construction Equipment Mechanic	54 *	\$21.77	Hour
49-3042	Heavy Equipment Mechanic	122	\$21.77	Hour
49-3042	Heavy Equipment Mechanic	23 *	\$21.77	Hour
49-3051	Marine Mechanic	11 *	\$27.14	Hour
49-9021	Air Conditioning & Refrigeration Mechanic	4	\$21.91	Hour
49-9021	Air Conditioning Technician	5	\$21.91	Hour
49-9021	HVAC & Refrigeration Mechanic	183	\$21.91	Hour
49-9021	HVAC & Refrigeration Mechanic	144 *	\$21.91	Hour
49-9021	HVAC Mechanic	12	\$21.91	Hour
49-9021	HVAC Technician	2	\$21.91	Hour
49-9043	Maintenance Technician	20	\$20.05	Hour
49-9071	Machinery Maintenance & Repair Worker	6	\$14.75	Hour
49-9071	Maintenance Engineer	50	\$14.75	Hour
49-9098	Equipment Technician	12	\$12.67	Hour
49-9098	Elevator Installer Helper	6	\$12.67	Hour

O*Net Code	Job Title	No. of Positions Certified	Rate of Pay on Cert	Unit of Pay on Cert
49-9098	Elevator Installer Helper	10 *	\$13.02	Hour
51-2021	Electric Motor Rewinder	10 *	\$23.53	Hour
51-3011	Baker	26	\$17.09	Hour
51-4121	Welder	164	\$20.30	Hour
51-4121	Welder	54 *	\$20.30	Hour
51-4121	Welder/Fitter	8	\$20.30	Hour
51-4121	Welder/Fitter	13 *	\$20.71	Hour
51-9061	Precast Concrete Laboratory Technician	4	\$21.29	Hour
51-9061	Quality Control Inspector	2	\$21.29	Hour
51-9061	Quality Control Inspector	4 *	\$21.29	Hour
51-9081	Dental Ceramist/Technician	1	\$25.19	Hour
51-9124	Lead Transportation Equipment Painter	2 *	\$24.81	Hour
51-9124	Painter/Blaster	12 *	\$24.81	Hour
53-1042	Warehouse Supervisor	1	\$20.82	Hour
53-1043	Crane Operator Supervisor	24	\$34.00	Hour
53-1043	Rigger Supervisor	8	\$30.00	Hour
53-3032	Heavy & Tractor Trailer Truck Driver	33	\$18.15	Hour
53-3032	Heavy & Tractor Trailer Truck Driver	11 *	\$18.54	Hour
53-3032	Heavy & Trailer Truck Driver	5	\$18.15	Hour
53-3053	Shuttle Driver & Chauffeur	40 *	\$12.20	Hour
53-7021	Crane Operator	3	\$32.71	Hour
53-7021	Crane Operator	5	\$33.00	Hour
53-7021	Crane Operator	2 *	\$29.70	Hour

* Occupations that are pending Governor's certification as of 09/30/2025.

Appendix II. – Background

Overview

The H-2B program allows U.S. employers to bring alien workers to the United States to fill temporary non-agricultural jobs.¹⁶ To petition successfully for this alien classification, the employer must establish the following facts¹⁷:

- its need for the prospective worker’s labor or services is temporary in nature – that is, based on a one-time occurrence, a seasonal need, a peak load need, or an intermittent need;¹⁸
- qualified workers in the U.S. are not available to perform the temporary work; and
- the employment of the H-2B alien worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

Generally, before filing a petition with USCIS for H-2B alien workers, the employer must obtain a valid temporary labor certification from DOL or, if the alien worker(s) will be employed in Guam, from the Governor of Guam.¹⁹ H-2B petitions may include multiple alien workers, including up to 25 named alien workers per petition if the alien workers will be performing the same service, for the same period of time, and in the same location.²⁰ Prior to January 17, 2025, an H-2B alien worker was required to be from a country on a list of “Eligible Countries,” designated by DHS in a notice published in the Federal Register, unless it was determined to be in the U.S. interest that a foreign worker from any country not on this list be granted H-2B status.²¹ In accordance with this prior regulatory provision, effective November 8, 2024, DHS, in consultation with DOS, added Belize to the list of countries eligible to participate in the H-2A and H-2B visa programs.²²

For part of FY 2025, until January 17, 2025, DHS had authority to add countries to the eligible countries list at any time and to remove any country at the time it published a new list, if DHS and DOS determined that a country fails to meet the requirements for continued designation. Examples of factors that could have resulted in the exclusion of a country or the removal of a country from the list include, but are not limited to: fraud (e.g., fraud in the H-2 petition or visa application process by nationals of the country, the country’s level of cooperation with the U.S. government in addressing H-2 associated visa fraud, and the country’s level of information sharing to combat immigration-related fraud), visa overstay rates for nationals of the country (including but not limited to H-2A and H-2B visa overstay rates), and non-compliance with the terms and conditions of the H-2 visa programs by nationals of the country.

¹⁶ See INA § 101(a)(15)(H)(ii)(b), 8 U.S.C. § 1101(a)(15)(H)(ii)(b).

¹⁷ See 8 C.F.R. § 214.2(h)(6)(ii)(B) and (iv)(A).

¹⁸ The National Defense Authorization Act (NDAA) for Fiscal Year 2018 created a time-limited exemption from the temporary need requirement for certain H-2B alien workers performing services or labor related to the military realignment on Guam and in the Commonwealth of the Northern Mariana Islands (CNMI). See Section 1049 of the FY 2018 NDAA, Pub. L. 115-91 (PDF), 131 Stat. 1283, 1558 (December 12, 2017), as amended by Section 1045 of the FY 2019 NDAA, Pub. L. 115-232 (PDF), 132 Stat. 1636, 1959 (August 13, 2018) Section 9502 of the FY 2021 NDAA, Pub. L. 116-283 (PDF) (January 1, 2021), Section 5901 of the FY 2023 NDAA, Pub. L. 117-263 (PDF) (December 23, 2022), and Section 1807 of the FY 2024 NDAA, Pub. L. 118-31 (PDF) (December 22, 2023).

¹⁹ See 8 C.F.R. § 214.2(h)(6)(iii)(A) and (C).

²⁰ See 8 C.F.R. § 214.2(h)(2)(ii).

²¹ See prior (now removed) 8 C.F.R. § 214.2(h)(6)(i)(E).

²² *Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H-2A and H-2B Nonimmigrant Worker Programs*, 89 FR 88799 (Nov. 8, 2024).

On December 18, 2024, USCIS published a Final Rule titled “Modernizing H-2 Program Requirements, Oversight, and Worker Protections” (“2024 H-2 Final Rule”).²³ Among other changes, the Final Rule removed the requirement that USCIS may only approve petitions for H-2 status generally for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as eligible to participate in the H-2 programs. The rule took effect on January 17, 2025, and H-2B petitions filed on or after that date may include beneficiaries from any country.

The H-2B Cap

The *Immigration Act of 1990* limits the number of alien workers who may be granted H-2B classification in a fiscal year (the H-2B “cap”) to 66,000.²⁴ Subsequently, section 405 of the *REAL ID Act of 2005* mandated that the H-2B cap be allocated semiannually, allowing for up to 33,000 H-2B alien workers in the first half of the fiscal year (October 1 – March 31), and for the remaining H-2B visas to be allocated to alien workers during the second half of the fiscal year (April 1 – September 30).²⁵ USCIS will announce that it will no longer accept further H-2B petitions upon determining that it has received a sufficient number of petitions to ensure that the statutory caps will not be exceeded. In making this determination, USCIS takes into account historical data related to approvals, denials, revocations, and other relevant factors.²⁶

Supplemental Visas for FY 2025

In accordance with Sections 101(6) and 106 of Division A, Title I of the Continuing Appropriations and Extensions Act, 2025, Public Law 118-83 and Section 105 of Division G, Title I of the Further Consolidated Appropriations Act, 2024, Public Law 118-47, DHS and DOL jointly published a temporary final rule increasing the cap on H-2B visas by up to 64,716 additional visas for FY 2025.²⁷ This temporary final rule authorized the maximum number of H-2B supplemental visas and made them available for all of FY 2025.

The 64,716 supplemental visas were made available in several allocations to assist U.S. businesses that need alien workers to begin work on different start dates. The supplemental H-2B visas have been divided into the following allocations:

- In total, 64,716 H-2B visas were made available for alien workers in FY 2025.
 - 44,716 H-2B visas were made available for such returning alien workers who received an H-2B visa or were otherwise granted H-2B status in one of the last 3 fiscal years.
 - For the first half of FY 2025, 20,716 H-2B visas were made limited to returning alien workers who received an H-2B visa or were otherwise granted H-2B status in one of the last 3 fiscal years, regardless of nationality.
 - During the second half of FY 2025 from April 1 to May 14, 19,000 visas were limited to returning workers while 5,000 visas were limited to returning workers from May 15 to September 30, regardless of nationality.

²³ *Modernizing H-2 Program Requirements, Oversight, and Worker Protections*, 89 FR 103202 (Dec. 18, 2024).

²⁴ See INA § 214(g)(1)(B), 8 U.S.C. § 1184(g)(1)(B).

²⁵ See INA § 214(g)(10), 8 U.S.C. § 1184(g)(10).

²⁶ See 8 C.F.R. § 214.2(h)(8)(vii).

²⁷ *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2025 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, [89 FR 95626](#) (Dec. 2, 2024).

- 20,000 visas were set aside for nationals of El Salvador, Guatemala, Honduras, Haiti, Colombia, Ecuador, and Costa Rica, who were exempt from the returning worker requirement, and were available for the entirety of FY 2025.
- All 64,716 supplemental visas were available only to U.S. businesses that attested that they suffered irreparable harm or would suffer impending irreparable harm without the ability to employ all the H-2B alien workers requested in their petition. The temporary final rule also contained provisions that required U.S. businesses to conduct additional recruitment of U.S. workers dependent on the filing date for the supplemental visa(s); to comply with document retention requirements; to demonstrate irreparable harm; and to verify that additional recruitment was conducted upon an audit.

In total, there were 88,321 approved beneficiaries under the supplemental cap in FY 2025. This includes 26,480 H-2B approved beneficiaries for nationals of El Salvador, Guatemala, Honduras, Haiti, Colombia, Ecuador, or Costa Rica, and 61,841 H-2B approved beneficiaries for returning workers.

Portability Rules

A portability provision in the FY 2025 temporary final rule extended the temporary flexibility provided in the FY 2024 temporary final rule which allowed H-2B alien workers to begin work immediately with a new H-2B employer.²⁸ Under this provision, all H-2B petitioners with a valid temporary labor certification are permitted to start employing certain alien workers currently in the United States and in valid H-2B status immediately after USCIS received the H-2B petition filed by a new petitioning employer, but no earlier than the start date of employment listed on the H-2B petition.

These provisions are similar to the portability provision implemented in prior H-2B temporary final rules and have generally been available to petitioners and H-2B alien workers initiating employment since May 25, 2021. The 2024 H-2 Final Rule provided permanent portability to H-2B alien workers.²⁹

Exemptions from the H-2B Cap

Generally, an alien worker whose stay in H-2B status is extended will not be counted against the H-2B cap again. Additionally, the following alien workers are exempt from the H-2B cap:

- H-2B alien workers in the United States or abroad who have been previously counted toward the cap in the same fiscal year;
- Fish roe processors, fish roe technicians, and supervisors of fish roe processing;³⁰ and
- From November 28, 2009, until December 31, 2029, certain alien workers performing labor or services in the Commonwealth of the Northern Mariana Islands (CNMI) or Guam.³¹

²⁸ See *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2025 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, 89 FR 95626 (Dec. 2, 2024) and *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2024 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers*, 88 FR 80394 (Nov. 17, 2023). The portability provided under the FY 2024 temporary final rule provision was extended to January 24, 2026 under the FY 2025 temporary final rule.

²⁹ *Modernizing H-2 Program Requirements, Oversight, and Worker Protections*, 89 FR 103202 (Dec. 18, 2024).

³⁰ See Pub. L. No. 108-287, § 14006, 118 Stat. 951, 1014 (2004).

³¹ See 48 U.S.C. § 1806(a)(2) as amended by sec. 3 of Pub. L. 115-218; 48 U.S.C. 1806(b).

Spouses and children of H-2B alien workers fall under a separate visa classification (H-4) and are not counted against the H-2B cap.³² Once the H-2B cap is reached, USCIS may only accept petitions for H-2B alien workers who are cap-exempt. H-2B petition approvals on behalf of aliens who are exempt from the H-2B cap are generally included in the data provided in this report.

Obtaining H-2B Status

After USCIS approves an H-2B petition, an alien worker may be granted H-2B status through:

- Admission as an H-2B alien by CBP at a port of entry after issuance of an H-2B nonimmigrant visa by DOS;
- Admission as an H-2B alien by CBP at a port of entry without a visa, such as in the case of certain Canadian and Bermudian citizens, Bahamian nationals, and British subjects residing in certain islands;
- Change of alien status to H-2B granted by USCIS; or
- An H-2B alien worker already in the United States that is approved for an extension of stay.

³² See INA § 214(g)(2), 8 U.S.C. § 1184(g)(2); 8 C.F.R. § 214.2(h)(8)(ii)(A).