



U.S. Citizenship
and Immigration
Services

Press Release

January 27, 2005

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 –