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Immigration

Labor Dept. Responds to Stakeholder Requests to Raise H-2B Visa Cap

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

In response to stakeholder requests to raise the H-2B visa cap for the first half of fiscal year 2022, the Department of Labor (DOL) noted that it reached the congressionally mandated cap of 33,000 H-2B visas on September 30, 2021. DOL said it encourages employers seeking workers “to visit the almost 2,400 American Job Centers (AJC) nationwide to find and hire talented workers, as well as to train and retain qualified workers.” DOL also suggested that employers consider hiring veterans.

DOL also noted that the Secretary of Homeland Security has “time-limited, discretionary authority to increase the H-2B cap beyond the number set forth in the INA after consultation with the Secretary of Labor.” DOL said it will “continue working collaboratively with our partners at DHS in an ongoing effort to ensure effective operation of the H-2B program.”