

First Time Ever: Max Number Of H-2B Visas Released In One Announcement



Source: www.TurfMagazine.com

This past Wednesday, the Department of Homeland Security (DHS) announced a joint temporary final rule to release an additional 64,716 H-2B visas for seasonal non-agricultural workers for the upcoming year. For the first time ever, DHS has released the maximum number of additional H-2B visas in a single announcement for the 2023 fiscal year.



Andrew Bray, NALP

Andrew Bray, NALP Senior Vice President of Government Relations and Membership stated, "This announcement is the first time an Administration has used their discretionary authority to release the maximum amount of supplemental H-2B visas under the law and will also enable landscape professionals to access these supplemental H-2B visas when they're needed in April not July." Bray added, "We applaud the leadership and support for seasonal businesses by this Administration and look forward to working through the timely execution of this announcement and then turning to Congress to permanently fix the H-2B program once and for all."

There is no information as to how the visas will be divided for the first and second half of the fiscal year; however, the National Association of

Landscape Professionals (NALP) believes they will be divided equally between the two seasons. Quoting from the [DHS press release](#), “The regulation will allocate these remaining supplemental visas for returning workers between the first half and second half of the fiscal year to account for the need for additional seasonal workers over the course of the year, with a portion of the second half allocation reserved to meet the demand for workers during the peak summer season.”

There will be 44,716 visas available to returning H-2B workers who received a visa in the past three years. The remaining 20,000 visas, which are exempt from the returning worker requirements, are reserved for Northern Triangle countries including employees from Haiti, Honduras, Guatemala, and El Salvador.



“The Department of Homeland Security is moving with unprecedented speed to meet the needs of American businesses,” said Secretary of Homeland Security Alejandro N. Mayorkas. “At a time of record job growth, this full year allocation at the very outset of the fiscal year will ensure that businesses can plan for their peak season labor needs. We also will bolster worker protections to safeguard the integrity of the program from unscrupulous employers who would seek to exploit the workers by paying substandard wages and maintaining unsafe work conditions.”

According to NALP: the ability of the Administration to release supplemental H-2B visas is only possible because of the language NALP and other industry partners have secured in the annual appropriations process since 2017, and is a testament to the hard work of advocates within the landscape industry.

The official rule will likely publish in the next month or two. There will only be one rule published that will address both the first and second half of the year. This should expedite the process for the second half of the year, and the Industry can finally get additional H-2B workers here on April 1st, which is the date of need for the second half. The rule will include some additional integrity measures to prove the need to access the supplemental visas and some additional worker protections similar to last year. To strengthen these efforts, DHS and DOL also announced the creation of a new White House-convened Worker Protection Taskforce.

For an award-winning *Turf* article on H-2B visas authored by Mari Medrano, human resources director for [CoCal Landscape](#) in Denver, CO, see [“H-2B: An Employer Perspective.”](#)