

# LOUISIANA FARM LABOR



## H-2B Program: A Brief Introduction

This report provides basic information on the H-2B program as well evidence of its use in the U.S. and Louisiana for the first and second quarters of fiscal years 2010-2020.

The H-2B program allows U.S. employers to fill seasonal nonfarm jobs, such as those in landscaping, forestry and processing. There is a statutory cap on the number of visas issued in a fiscal year. Congress has set the cap at 66,000

visas per fiscal year, half of them available Oct. 1 to March 31 and the rest April 1 to Sept. 30. The demand exceeds the cap, and Congress has authorized an increase in the number of visas, with an additional 15,000 for fiscal years 2017 and 2018 and an additional 30,000 in fiscal year 2019. The cap for the first half of fiscal year 2020 was reached on Nov. 15, 2019, and for the second half it was reached on Feb. 18, 2020.

### Exceptions to the H-2B cap include<sup>1</sup> :

- Workers in the U.S. in H-2B status who extend their stay.
- Workers in the U.S. in H-2B status who change employers or the terms and conditions of employment.
- H-2B workers previously counted against the cap in the same fiscal year (the employer needs to indicate that they have already being counted).
- Spouse and children of H-2B workers.
- Petitions for fish roe processors, fish roe technicians or supervisors in that industry.

### To participate in the H-2B program employers need to follow four steps:

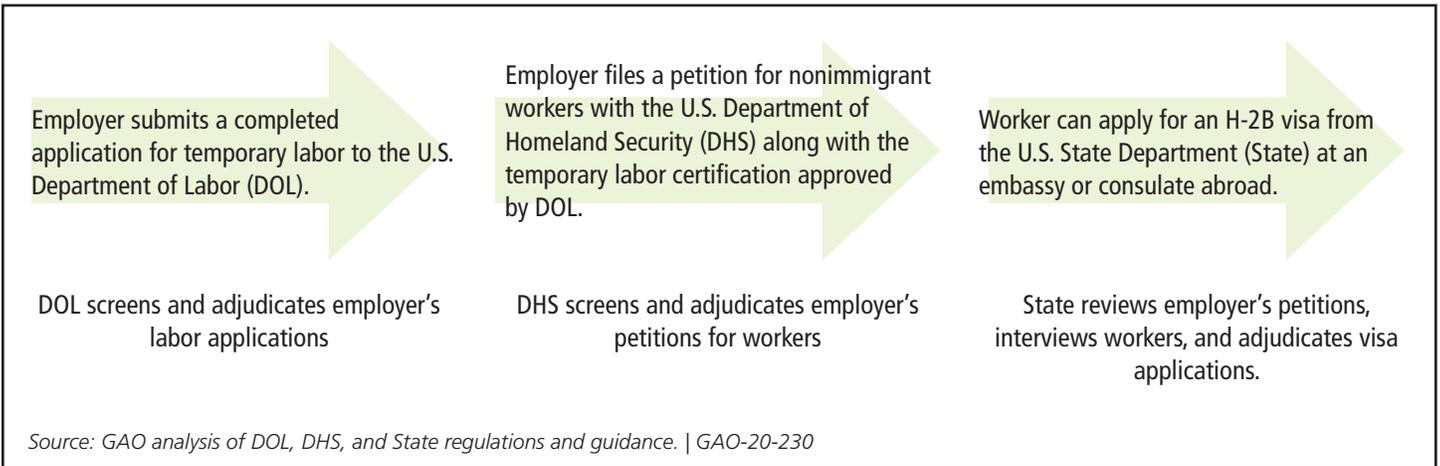
1. Be a bona fide U.S. employer with valid Federal Employer Identification Numbers (FEIN), physically located in the U.S.
2. Obtain a prevailing wage at least 60 days before the determination is needed.
3. File an application and job offer with the Chicago National Processing Center.
4. Conduct recruitment of U.S. workers.

The steps are detailed in the Foreign Labor Application Gateway (FLAG) system.

<sup>1</sup>A cap exemption also applies for workers performing labor services in the Commonwealth of Northern Mariana Islands or Guam from Nov. 28, 2009-Dec. 31, 2029.

The H-2B application screening process for federal agencies is depicted in the figure below.

**Figure 1: Summary Description of H-2B Visa Application Screening Process for Federal Agencies**



Under an approved visa, the visa holder is allowed to travel to the United States; however, upon arrival, U.S. Customs and Border Protection determine if the traveler may be admitted into the United States.

Demand for H-2B has steadily increased since 2010. The in the period 2010 to 2018.

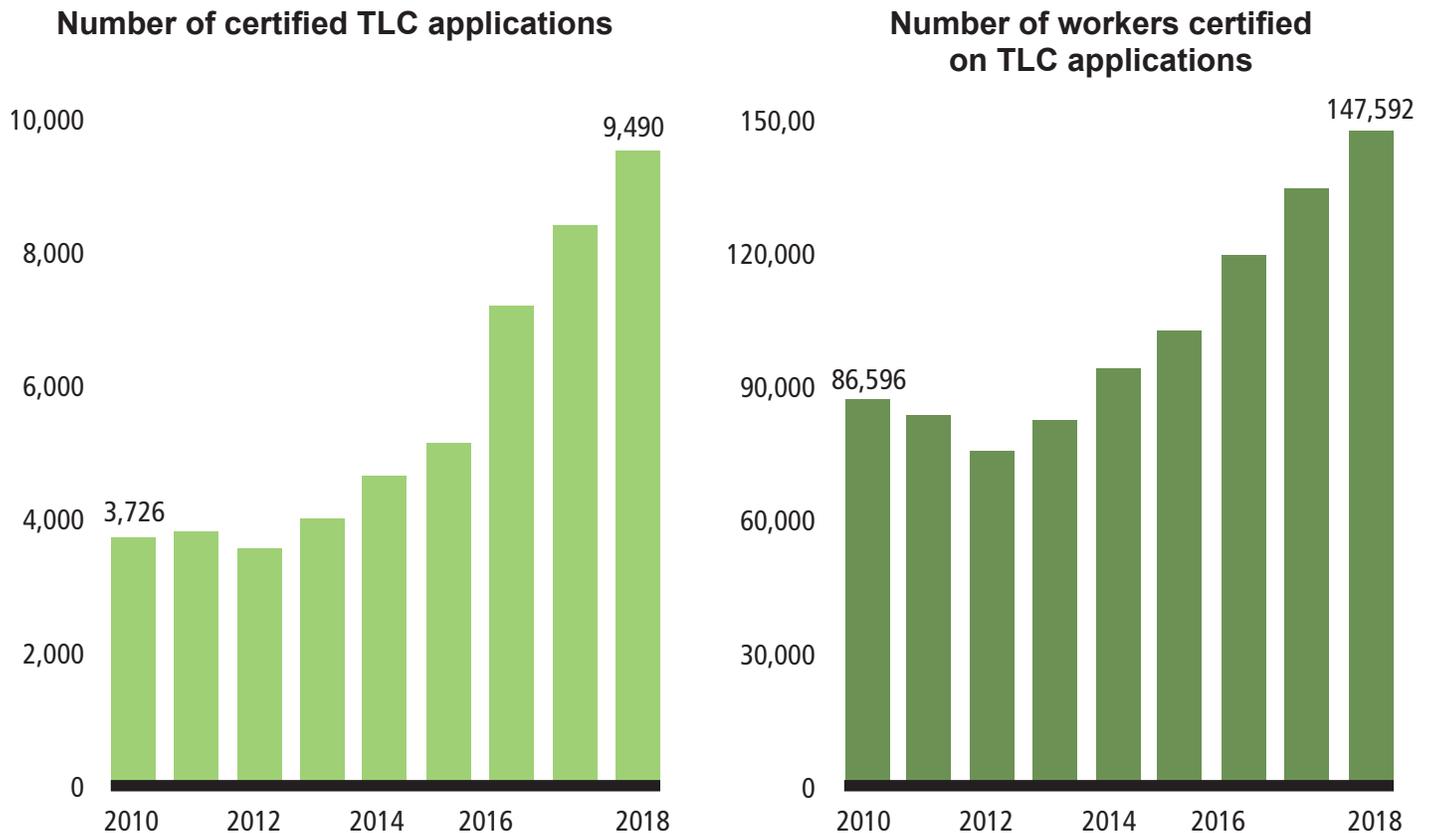


Figure 2: Number of Certified Applications and Workers, 2010 through 2018.  
Source: GAO Analysis of Department of Labor U.S. Unemployment and Temporary Labor Certification data. GAO-20-230.

Both panels show a steady increase in the number of applications and the number of certified workers from 2013 to 2018. In fiscal year 2018, the number of workers certified was 147,592 workers (66,592 workers above the 66,000 cap plus

15,000 extension for the year). In fiscal year 2019, DOL certified 150,456 positions, about a 20% increase since fiscal year 2018. We also see an increased demand based on second quarter data for 2020.

**Table 1. Selective Information for FY2019 and FY2020 Q1-Q2**

	FY2019	FY2020 Q1-Q2
Total Determinations	9,236	7,213
Certified	7,377	6,350
Denied	916	241
Withdrawn	851	593
Rejected	92	29
Positions Requested	189,187	145,017
Positions Certified	150,465	126,656

## H-2B Program in Louisiana for First and Second Quarter of Fiscal Years 2018, 2019 and 2020

Louisiana is in the top six positions of states of H-2B employment. In fiscal year 2018, the state was in the fourth position with 5,341 certified workers, a 3.6% of the total positions. In fiscal year 2019, we saw fewer positions certified. There were

4,924 in total, accounting for 3.3% of total certified positions, bringing Louisiana in the sixth spot. Based on the latest data, the state is ranked in the fourth position, with 5,974 certified workers, accounting for 4.7% of the total certified positions for the first and second quarters of fiscal year 2020. A total of 225 positions were not under the cap restrictions. Top positions for the state are landscape laborers, crawfish and seafood processors, and fish cutters and trimmers.

## References:

Cap Count for H-2B Nonimmigrants.

[www.uscis.gov/working-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-h-2b-nonimmigrants](http://www.uscis.gov/working-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-h-2b-nonimmigrants)

H-2B Visas Additional Steps Needed to Meet Employer's Hiring Needs and Protect US Workers. GAO-20-230 report to congressional requesters.

H-2B Temporary Non-Agricultural Program, Selected Statistics Report, FY 2020 Q1-Q2. Office of Foreign Labor Certification.

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