

H-2B Information

Description

An H-2B visa allows a US employer to hire foreign workers for a defined temporary period when US workers are unavailable to fill the openings. Typical examples include hotel staff, landscapers, amusement park attendants or lifeguards, etc.

Basic Requirements Summary

1. A U.S. employer must demonstrate that the need for the foreign workers is temporary. The petitioner's need must be either:
 - **A one-time occurrence** The petitioner must establish that it has not employed workers to perform the services or labor in the past and it will not need workers to perform the services in the future, or that it has an employment situation that is otherwise permanent, but a temporary event of short duration has created the need for a temporary occurrence.
 - **A seasonal need** The petitioner must establish that the services or labor is traditionally tied to a season of the year by an event or pattern and is of a recurring nature. The petitioner shall specify the period(s) of time during each year in which it does not need the services or labor. The employment is not seasonal if the period during which the services or labor is not needed is unpredictable or subject to change or is considered a vacation period for the petitioner's permanent employees.
 - **A peak load need** The petitioner must establish that it regularly employs permanent workers to perform services or labor at the place of employment and that it needs to supplement its permanent staff at the place of employment on a temporary basis due to a seasonal or short term demand and that the temporary additions to staff will not become a part of the petitioner's regular operation; or
 - **Intermittent need** The petitioner must establish that it has not employed permanent or full-time workers to perform the services or labor, but occasionally or intermittently needs temporary workers to perform services or labor for short periods.
2. An employer has been unsuccessful in finding capable U.S. workers to perform the temporary service by obtaining a Temporary Labor Certification (application ETA 9142) from the U.S. Department of Labor before the H-2B application can be made to the USCIS.

Validity Term

Because it is meant to fill a temporary need for workers, the H-2B is generally granted for no more than 10 months. Typically, employers apply each year for the same time period.