



# Characteristics of H-2B Nonagricultural Temporary Workers

Fiscal Year 2013 Report to Congress

Annual Submission



Homeland  
Security

*U.S. Citizenship and  
Immigration Services*



**Homeland  
Security**

May 7, 2014

## Foreword

On behalf of the Department of Homeland Security, I am pleased to present the Fiscal Year 2013 annual submission on the “Characteristics of H-2B Nonagricultural Temporary Workers.”

Pursuant to statutory requirements, this report is being provided to the following Members of Congress:

The Honorable Patrick J. Leahy  
Chairman, Senate Committee on the Judiciary

The Honorable Charles Grassley  
Ranking Member, Senate Committee on the Judiciary

The Honorable Robert W. Goodlatte  
Chairman, House Committee on the Judiciary

The Honorable John Conyers, Jr.  
Ranking Member, House Committee on the Judiciary

Inquiries relating to this report may be directed to me at (202) 447-5890.

Sincerely,

A handwritten signature in black ink that reads "Brian de Vallance".

Brian de Vallance  
Acting Assistant Secretary for Legislative Affairs

# Executive Summary

The Department of Homeland Security (DHS) has compiled this Fiscal Year (FY) 2013 report on H-2B nonimmigrants from information provided by the Department of State (DOS), Department of Labor (DOL), and three components within DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE).

The data in this report is accurate as of January 2014.

## *Highlights*

- A total of 58,124 aliens were issued H-2B visas or otherwise acquired H-2B status in FY 2013.
- Mexican nationals received the vast majority of H-2B visas issued in FY 2013.
- The top five H-2B visa issuance countries in FY 2013 were:
  - Mexico – 72.7%
  - Jamaica – 9.7%
  - Guatemala – 5.2%
  - South Africa – 2.5%
  - Great Britain & Northern Ireland – 2.2%

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# I. Legislative Requirement

This report was prepared in accordance with section 416(d)(2) of the *American Competitiveness and Workforce Improvement Act of 1998*, Pub. L. No. 105-277, tit. IV, 112 Stat. 2681-641, as amended by section 406 of the REAL ID Act of 2005, Pub. L. No. 109-13, div. B, 119 Stat. 231, which requires that:

Beginning in fiscal year 2007, the Secretary of Homeland Security and the Secretary of State shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate –

- (A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;
- (B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and
- (C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

## II. Background

### *Overview*

The H-2B program allows U.S. employers to bring foreign workers to the United States to fill temporary nonagricultural jobs. *See* INA section 101(a)(15)(H)(ii)(b), 8 U.S.C. § 1101(a)(15)(H)(ii)(b). To petition successfully for this nonimmigrant classification, the employer must establish that:

- its need for the prospective worker's labor or services is temporary in nature – that is, based on a one-time occurrence, a seasonal need, a peakload need, or an intermittent need;
- there are not sufficient U.S. workers who are capable of performing the temporary work; and
- the employment of the H-2B nonimmigrant worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

Generally, before filing a petition with USCIS for H-2B workers, the employer must obtain a valid temporary labor certification from DOL or, if the worker(s) will be employed in Guam, from the Governor of Guam. *See* Title 8 Code of Federal Regulations (8 C.F.R.) §214.2(h)(6)(iii)(A) and (C).

### *Obtaining H-2B Status*

After USCIS approves an H-2B petition, a worker may be granted H-2B status through:

- admission as an H-2B worker by CBP at a port of entry after issuance of an H-2B nonimmigrant visa by DOS;
- admission as an H-2B worker by CBP at a port of entry without a visa, in the case of certain Canadians and Bermudan citizens, and Bahamian nationals; or
- change of status to H-2B granted by USCIS.

### III. Data Report and Analysis

#### Section 3.1 – Countries of nationality for workers who were issued H-2B visas by the Department of State in Fiscal Year 2013

Based on information provided by DOS, the nationality of workers who were issued H-2B visas in FY 2013 are as follows:

Nationality	Number	Nationality	Number
Antigua & Barbuda	7	Japan	294
Argentina	52	South Korea	168
Australia	37	Lithuania	57
Barbados	3	Macedonia	17
Belgium	2	Mexico	41,883
Belize	83	Moldova	59
Bolivia <sup>1</sup>	-1	Montenegro	1
Brazil	39	Namibia	1
Bulgaria	181	Netherlands	20
Canada	1	New Zealand	32
Chile	19	Nicaragua	85
Colombia	5	Norway	2
Costa Rica	289	Panama	34
Croatia	4	Peru	5
Czech Republic	12	Philippines	935
Denmark	3	Poland	40
Dominican Republic	102	Portugal	2
Ecuador	12	Romania	301
El Salvador	489	Russia	12
Estonia	1	Serbia	123
France	3	Slovakia	47
Germany	7	Slovenia	4
Ghana	1	South Africa	1,409
Great Britain & Northern Ireland	1,288	Spain	12
Greece	1	Swaziland	1
Guatemala	3,004	Sweden	2
Honduras	457	Switzerland	2
China (Hong Kong S.A.R.)	1	Thailand	1
Hungary	40	Turkey	23
India	1	Ukraine	82
Ireland	209	Venezuela	1
Israel	13	Zambia	1
Italy	7	Zimbabwe	1
Jamaica	5,569	<b>Grand Total: 57,598</b>	

<sup>1</sup> Reasons for a negative number of visa issuances may include spoiled visas (i.e., visas that need to be canceled because of inaccurate information), revocations, or close-out of year-end cases.

## Section 3.2 – Occupational information on, and compensation paid to, workers who were issued H-2B visas or provided H-2B status in FY 2013

DOL posts this information for the latest quarter and for previous fiscal years on its website at <http://www.foreignlaborcert.doleta.gov/performance/cfm>. The data also includes information about the certification, partial certification, and denial of temporary employment certification applications.

Guam Department of Labor (Guam DOL) collects similar information. *See Appendix.*

## Section 3.3 – H-2B visas or status revoked or otherwise terminated

From October 1, 2012 through September 30, 2013, USCIS revoked or otherwise terminated 30 approved H-2B petitions covering a total of 988 H-2B positions.

USCIS Monthly Breakdown of Revocations

Month	Number of Petitions	Number of Beneficiaries	Month	Number of Petitions	Number of Beneficiaries
Oct 2012	1	18	Apr 2013	3	172
Nov 2012	4	77	May 2013	5	94
Dec 2012	3	66	Jun 2013	2	15
Jan 2013	4	178	Jul 2013	3	70
Feb 2013	0	0	Aug 2013	2	100
Mar 2013	2	188	Sep 2013	1	10

During this same period, CBP denied the admission of 190 aliens who were found inadmissible at ports of entry, and ICE removed 34 aliens who were found deportable after admission to the United States.

DOS initially refused<sup>2</sup> 9,981 H-2B visas during FY 2013. However, since 4,317 of these visa refusals subsequently overcame the reason for the visa refusal, and the affected aliens were granted H-2B visas, DOS refused the visa applications of a net total of 5,664 H-2B workers.

The cancellation, termination, and visa refusal data from CBP, ICE, and DOS are not available on a month-to-month basis.

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<sup>2</sup> Reasons for a visa refusal may include matters outside of the scope of USCIS adjudication. The USCIS adjudication process focuses primarily on the nature of the job being offered, whether the petitioning employer or an agent, facilitator, recruiter, or similar employment service required the prospective H-2B worker to pay a prohibited fee at any time as a condition of employment, and the petitioner's temporary need. Issues involving admissibility of alien beneficiaries and possible waivers of inadmissibility are addressed on an individual basis during the consular visa issuance process or the port-of-entry inspection. Additionally, in instances when DOS believes there is an error of law or derogatory information affecting the approvability of an underlying petition, DOS will deny the visa and return the approved petition to USCIS for additional review and possible revocation. In the event USCIS does not revoke the petition, DOS will, upon notification from USCIS, issue the H-2B visa to the applicant, if he or she is otherwise eligible for visa issuance.



## Section 3.4 – Number of aliens who were provided H-2B nonimmigrant status during FY 2013 and FY 2012

In FY 2013, a total of **58,124** aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 57,598 H-2B visas issued by DOS;
- 333 requests for change of status to H-2B approved by USCIS in which case a visa is not required; and
- 193 crossings of visa-exempt H-2B workers processed by CBP (193 Canadians).<sup>3</sup>

In FY 2012, a total of **50,589**<sup>4</sup> aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. This includes:

- 50,008 H-2B visas issued by DOS;
- 354 requests for change of status to H-2B approved by USCIS in which case a visa is not required; and
- 227 crossings of visa-exempt H-2B workers processed by CBP (227 Canadians).

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<sup>3</sup> This figure may include multiple admissions by the same individuals. Although some individuals may cross the border numerous times (e.g., a Canadian residing in Windsor, Ontario and commuting daily to work in Detroit, Michigan), he or she only counts against the H-2B cap on his or her first admission based upon an approved petition.

<sup>4</sup> This report amends the Characteristics of H-2B Nonagricultural Temporary Worker Fiscal Year 2012 Report to Congress which stated that 56,268 aliens were issued H-2B visas or acquired H-2B status absent issuance of an H-2B visa. The number cited here is correct. The discrepancy is attributed to an error in FY 2012 in calculating the number of visas issued.

Appendix – Guam DOL chart displaying occupational and compensation data for all H-2B applicants in FY 2013

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
49-9071	Commercial Kitchen Equipment Mechanic	3	\$9.55	Hour
51-3011	Baker	3	\$8.71	Hour
49-9071	Maintenance Mechanic	2	\$11.48	Hour
49-3042	Heavy Equipment Mechanic	7	\$15.15	Hour
47-2031	Carpenter	8	\$13.56	Hour
47-2051	Cement Mason	5	\$12.87	Hour
35-2012	Camp Cook	2	\$11.85	Hour
47-2031	Carpenter	10	\$13.56	Hour
47-2051	Cement Mason	10	\$12.87	Hour
47-2111	Electrician	3	\$15.45	Hour
49-3042	Heavy Equipment Mechanic	1	\$14.14	Hour
47-2171	Reinforcing Metal Worker	5	\$12.56	Hour
47-2051	Cement Mason	6	\$12.87	Hour
47-2171	Reinforcing Metal Worker	0	\$12.56	Hour
39-6012	Concierge	1	\$11.55	Hour
47-2031	Carpenter	11	\$13.56	Hour
47-2051	Cement Mason	13	\$12.87	Hour
47-1011	Field Supervisor (Civil Works)	1	\$17.76	Hour
47-1011	Field Supervisor (Elec. Works)	1	\$17.76	Hour
47-2171	Reinforcing Metal Worker	7	\$12.56	Hour

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
17-3012	Electrical Drafter	2	\$16.29	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2051	Cement Mason	10	\$12.87	Hour
47-1011	Field Supervisor	1	\$17.76	Hour
47-2171	Reinforcing Metal Worker	5	\$12.56	Hour
35-2014	Specialty Cook	15	\$9.20	Hour
49-2092	Electric Motor Repairer	2	\$11.50	Hour
51-4041	Machinist	1	\$13.11	Hour
47-2152	Pipe Fitter	1	\$13.11	Hour
51-2041	Ship Fitter	30	\$13.11	Hour
51-4121	Welder	17	\$13.11	Hour
21-1091	Health Educator	0	\$16.95	Hour
29-2034	Radiological Technologist	2	\$15.65	Hour
47-2051	Cement Mason	2	\$12.87	Hour
27-1023	Floral Desinger	1	\$10.10	Hour
47-2031	Carpenter	14	\$13.56	Hour
47-2051	Cement Mason	15	\$12.87	Hour
35-2012	Camp Cook	2	\$11.85	Hour
47-2031	Carpenter	61	\$13.56	Hour
47-2051	Cement Mason	22	\$12.87	Hour
47-2111	Electrician	8	\$15.45	Hour
47-1011	Field Supervisor	9	\$14.66	Hour

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
49-3042	Heavy Equipment Mechanic	4	\$14.14	Hour
37-3011	Landscaper	4	\$8.81	Hour
17-2141	Mechanical Engineer	3	\$20.38	Hour
47-2161	Plasterer	14	\$10.98	Hour
47-2152	Plumber	14	\$14.96	Hour
47-2171	Reinforcing Metal Worker	27	\$12.56	Hour
47-2221	Structural Steel Worker	18	\$13.22	Hour
53-7021	Tower Crane Operator	3	\$15.35	Hour
47-2031	Carpenter	122	\$13.56	Hour
47-2051	Cement Mason	72	\$12.91	Hour
47-2111	Electrician	12	\$15.45	Hour
49-3042	Heavy Equipment Mechanic	3	\$14.14	Hour
47-2073	Heavy Equipment Operator	3	\$13.77	Hour
47-2152	Plumber	5	\$14.96	Hour
47-2171	Reinforcing Metal Worker	37	\$12.56	Hour
51-4121	Welder	3	\$16.09	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2051	Cement Mason	0	N/A	Hour
47-2111	Electrician	1	\$15.45	Hour
47-2073	Heavy Equipment Operator	1	\$13.77	Hour
47-2031	Carpenter	6	\$13.56	Hour
47-2051	Cement Mason	13	\$12.87	Hour
35-2012	Camp Cook	2	\$11.85	Hour

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
47-2171	Reinforcing Metal Worker	5	\$12.56	Hour
47-2031	Carpenter	5	\$13.56	Hour
47-2051	Cement Mason	9	\$12.87	Hour
47-2073	Heavy Equipment Operator	5	\$13.77	Hour
49-9021	A/C and Refrigeration Mechanic	9	\$15.73	Hour
49-3021	Automotive Repairer	5	\$12.95	Hour
35-1011	Sous Chef	1	\$16.03	Hour
49-3023	Mechanic	1	\$13.91	Hour
25-3021	Dive Instructor	2	\$15.19	Hour
51-9071	Goldsmith	2	\$10.79	Hour
13-1151	Training and Development Specialist	1	\$18.53	Hour
49-9021	Refrigeration Mechanic	1	\$15.62	Hour
47-2031	Carpenter	1	\$13.56	Hour
47-2051	Cement Mason	5	\$12.91	Hour
47-2171	Reinforcing Metal Worker	3	\$12.56	Hour
47-2152	Plumber	25	\$14.96	Hour
47-2211	Sheet Metal Worker	25	\$15.17	Hour
51-4121	Welder	24	\$16.09	Hour
31-9011	Massage and Body Care Therapist/Masseuse	8	\$9.11	Hour
47-2031	Carpenter	22	\$13.56	Hour
47-2051	Cement Mason	16	\$12.87	Hour
47-2111	Electrician	2	\$15.45	Hour

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
49-3042	Heavy Equipment Mechanic	3	\$14.14	Hour
47-2073	Heavy Equipment Operator	3	\$13.77	Hour
47-2171	Reinforcing Metal Worker	4	\$12.56	Hour
47-2211	Sheet Metal Worker	2	\$15.17	Hour
49-9021	A/C and Refrigeration Mechanic	1	\$15.73	Hour
47-2051	Cement Mason	2	\$12.87	Hour
47-2111	Electrician	1	\$15.45	Hour
47-2152	Plumber	2	\$14.96	Hour
47-2111	Electrician, Transportation Equipment	1	\$12.44	Hour
49-3051	Marine Maintenance Mechanic	2	\$11.95	Hour
51-9061	Quality Control Inspector	2	\$10.61	Hour
51-4121	Welder, Fitter	2	\$12.11	Hour
25-3021	Scuba Instructor	3	\$15.19	Hour
35-2014	Specialty Cook	1	\$9.08	Hour
47-1011	Field Supervisor (Civil Works)	1	\$14.35	Hour
47-2171	Reinforcing Metal Worker	5	\$12.56	Hour
47-2031	Carpenter	6	\$13.56	Hour
47-2051	Cement Mason	8	\$12.87	Hour
47-2051	Cement Mason	10	\$12.87	Hour
25-3021	Scuba Instructor	0	\$15.19	Hour
47-2031	Carpenter	31	\$13.56	Hour
47-2051	Cement Mason	22	\$12.87	Hour
47-1011	Field Supervisor (Civil Works)	3	\$17.76	Hour

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
49-3042	Heavy Equipment Mechanic	2	\$14.14	Hour
47-2073	Heavy Equipment Operator	5	\$13.77	Hour
47-2171	Reinforcing Metal Worker	12	\$12.56	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2051	Cement Mason	2	\$12.87	Hour
37-3011	Landscape Gardener	19	\$8.81	Hour
47-2031	Carpenter	6	\$13.56	Hour
47-2051	Cement Mason	11	\$12.87	Hour
47-2171	Reinforcing Metal Worker	1	\$12.56	Hour
47-4021	Elevator Installer	5	\$23.27	Hour
35-9031	Guest Relations Host/Hostess, Restaurant	2	\$8.40	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2051	Cement Mason	7	\$12.87	Hour
47-2171	Reinforcing Metal Worker	14	\$12.56	Hour
39-6012	Concierge	3	\$11.55	Hour
25-3021	Scuba Instructor	2	\$15.19	Hour
43-4051	Wedding Service Attendant	1	\$14.04	Hour
47-2031	Carpenter	6	\$13.56	Hour
47-2051	Cement Mason	5	\$12.87	Hour
26-2034	MRI Technologist	1	\$22.90	Hour
29-2032	Ultrasound Technician	1	\$23.24	Hour
47-2031	Carpenter	4	\$13.56	Hour

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
47-2051	Cement Mason	2	\$12.87	Hour
47-2171	Reinforcing Metal Worker	4	\$12.56	Hour
35-2019	Camp Cook	0	\$11.85	Hour
47-2031	Carpenter	15	\$13.56	Hour
47-2051	Cement Mason	15	\$12.87	Hour
11-9021	Construction Foreman (Civil Works)	2	\$15.25	Hour
11-9021	Construction Foreman (Electrical Works)	2	\$15.25	Hour
47-2111	Electrician	5	\$15.45	Hour
31-9011	Massage Therapist	8	\$8.29	Hour
49-9021	HVAC Technician/Specialist	1	\$15.62	Hour
47-2031	Carpenter	2	\$13.56	Hour
47-2171	Reinforcing Metal Worker	3	\$12.56	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2051	Cement Mason	3	\$12.87	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2051	Cement Mason	3	\$12.87	Hour
47-2111	Electrician	1	\$15.45	Hour
39-1021	Spa Supervisor/Trainer	2	\$20.26	Hour
47-2031	Carpenter	8	\$13.56	Hour
47-2051	Cement Mason	6	\$12.87	Hour
47-2171	Reinforcing Metal Worker	2	\$12.56	Hour
47-2031	Carpenter	8	\$13.56	Hour
47-2051	Cement Mason	18	\$12.87	Hour



<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
47-2171	Reinforcing Metal Worker	0	\$12.56	Hour
27-2022	Golf Instructor	1	\$46,140.00	Annum
47-2031	Carpenter	10	\$13.56	Hour
47-2051	Cement Mason	3	\$12.87	Hour
47-2171	Reinforcing Metal Worker	4	\$12.56	Hour
35-2014	Japanese Specilaty Cook	2	\$8.77	Hour
51-3011	Baker	1	\$9.12	Hour
47-2031	Carpenter	12	\$13.56	Hour
47-2051	Cement Mason	14	\$12.87	Hour
47-1011	Field Supervisor (Civil Works)	2	\$21.17	Hour
47-2073	Heavy Equipment Operator	0	\$13.77	Hour
47-2171	Reinforcing Metal Worker	3	\$12.56	Hour
51-3011	Baker (Master)	1	\$9.12	Hour
47-2111	Electrician	6	\$15.45	Hour
47-2031	Carpenter	7	\$13.56	Hour
47-2051	Cement Mason	2	\$12.87	Hour
43-4051	Wedding Service Attendant	1	\$14.04	Hour
47-2031	Carpenter	6	\$13.56	Hour
47-2051	Cement Mason	9	\$12.87	Hour
47-2171	Reinforcing Metal Worker	18	\$12.56	Hour
47-2031	Carpenter	5	\$13.56	Hour
47-2051	Cement Mason	5	\$12.87	Hour
47-2171	Reinforcing Metal Worker	0	\$12.56	Hour

<b>Onet Code</b>	<b>Job Title</b>	<b>No. of Positions Certified</b>	<b>Rate of Pay on Cert</b>	<b>Unit of Pay on Cert</b>
47-2031	Carpenter	116	\$13.56	Hour
47-2051	Cement Mason	106	\$12.87	Hour
49-2092	Motor Re-winder	1	\$18.30	Hour
35-2014	Specialty Cook	7	\$9.20	Hour
17-3011	Architectural Drafter	1	\$17.99	Hour
47-2031	Carpenter	3	\$13.56	Hour
47-2051	Cement Mason	4	\$12.87	Hour
47-1011	Construction Foreman	1	\$21.17	Hour
49-3042	Heavy Equipment Mechanic	0	\$14.14	Hour
47-2171	Reinforcing Metal Worker	6	\$12.56	Hour
47-2031	Carpenter	12	\$13.56	Hour
47-2051	Cement Mason	10	\$12.87	Hour
51-1011	Laundry Supervisor	2	\$21.25	Hour
25-3021	Scuba Instructor	0	\$19.40	Hour
47-2221	Fitter/Welder	69	\$13.23	Hour
47-2141	Painter	1	\$14.28	Hour
47-2152	Pipefitter	3	\$15.79	Hour
47-2031	Carpenter	5	\$13.56	Hour
47-2171	Reinforcing Metal Worker	4	\$12.56	Hour