



U.S. Citizenship  
and Immigration  
Services

# Press Release

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## **USCIS EXTENDS COMMENT PERIOD FOR PROPOSED CHANGE TO H-2B PROGRAM**

Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) announced today that it is extending the public comment period for a proposed rule that would significantly alter the H-2B program. Starting with the date the extension notice publishes in the *Federal Register*, individuals can submit public comments to USCIS for an additional 30 days. The public may access the proposed rule, which was originally published in the *Federal Register* on January 27, 2005, as well as instructions for filing comments at <http://www.regulations.gov/> or <http://docket.epa.gov/edkpub/index.jsp>

The H-2B program allows U.S. employers to request foreign workers to fill a one-time, peak load, intermittent, or seasonal need for labor when no workers are available in the local job force. Among other things, the new rule would:

- Establish a one-step petition process for U.S. employers seeking H-2B temporary workers,
- Require electronic filing of the Petition for Nonimmigrant Worker (Form I-129) in most instances,
- With limited exceptions, eliminate the need for U.S. employers to obtain a labor certification from the Department of Labor, and
- Establish new management mechanisms allowing USCIS to maintain the integrity of the program.

Under the proposed one-step process, most employers will no longer be required to file for a labor certification from the Department of Labor before filing a petition with the Department of Homeland Security. In the future, most employers will file a petition directly with Homeland Security after conducting their recruitment for U.S. workers.

These regulations are merely proposals for public consideration and comment. Existing H-2B regulations and policies remain in force until further notice. The issuance of these proposed regulations does not change the statutory cap of 66,000 H-2B nonimmigrant visas which are available each fiscal year. USCIS has announced that the cap for FY 05 was met on January 3<sup>rd</sup>.

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