

# H-2A and H-2B Foreign Labor Certification

[www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov)

## Program Description

H-2A certification permits employers to hire foreign workers on a temporary basis for the agricultural sector of the economy. H-2B certification permits employers to hire foreign workers to come to the United States and perform temporary non-agricultural work, which must be one-time, seasonal, peak load, or intermittent in nature.

## Analysis

The percentage of H-2A applications processed within 15 business days increased 26 percentage points from the same period a year ago.

The publication, subsequent withdrawal, and proposed revisions to the regulations governing the H-2A program have required changes to program operations and guidance to program users, resulting in fluctuations to data and dates of processing. The percent of H-2A applications processed is above the target levels for this indicator because of the nature of the processing model imbedded in the former regulatory scheme.

The percentage of H-2B applications processed for the quarter increased by 67 percentage points when compared with the same time period one year ago. H-2B processing exceeds the target by 34 points largely due to the attestation-based program model required in the 2008 final regulation.

## Program Highlights

The Office of Foreign Labor Certification is currently implementing new regulations governing H-2A temporary agricultural labor certification for FY 2010. Public briefings are being conveyed in order to educate program users and other interested members of the public on topics surrounding compliance; and developing guidance and processes which reflect the new and reinstated integrity measures, not present in the previous regulations.

## Program Performance

Performance Measures	Four Quarters Ending 12/31/08*	Four Quarters Ending 12/31/09*
Percent of Accepted H-2A Applications Processed within 15 Days of Receipt and 30 Days from Date of Need	36%	62%
Percent of H-2B Applications Processed within 60 Days of Receipt	32%	99%

\*Cumulative four quarters

## Performance in the Past Eight Quarters

