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DHS Announces Countries Eligible for H-2A and H-2B Visa Programs

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The Department of Homeland Security (DHS), in consultation with the Department of State (State), has announced the lists of countries whose nationals are eligible to participate in the H-2A and H-2B visa programs for the next 12 months. The <u>notice</u> listing the eligible countries was published in the Federal Register on Nov. 8, 2024.

Effective Nov. 8, 2024, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has decided to:

- Add Belize to the list of countries eligible to participate in the H-2A and H-2B programs.
- Not remove any country previously designated to be eligible to participate in the H-2A and H-2B programs.

DHS, in consultation with State, maintains its authority to amend the eligible countries lists at any time through publication of a Federal Register Notice, if a country fails to meet the requirements for continued designation. Examples of factors that could result in the exclusion of a country or the removal of a country from the list include fraud, abuse, nonimmigrant visa overstay rates, and other forms of noncompliance with the terms and conditions of the H-2 visa programs by nationals of that country that are contrary to U.S. interest.

The H-2A and H-2B visa programs allow U.S. employers to bring foreign nationals to the United States to fill temporary agricultural and nonagricultural jobs, respectively. Typically, USCIS approves H-2A and H-2B petitions only for nationals of countries that the Secretary of Homeland Security has designated as eligible to participate in the programs. However, USCIS may approve H-2A and H-2B petitions, including those that were pending as of the date of publication of the Federal Register notice, for nationals of countries **not** on the lists on a case-by-case basis only if doing so is determined to be in the interest of the United States.

Effective Nov. 8, 2024, nationals of the following countries are eligible to receive H-2A and H-2B visas:

Andorra	Estonia	Madagascar	Saint Lucia
Argentina	The Kingdom of Eswatini	Malta	Need Help? Chat with Emma™

Australia	Fiji	Mauritius	Serbia
Austria	Finland	Mexico	Singapore
Barbados	France	Monaco	Slovakia
Belgium	Germany	Mongolia*	Slovenia
Belize	Greece	Montenegro	Solomon Islands
Bolivia	Grenada	Mozambique	South Africa
Bosnia and Herzegovina	Guatemala	Nauru	South Korea
Brazil	Haiti	The Netherlands	Spain
Brunei	Honduras	New Zealand	St. Vincent and the Grenadines
Bulgaria	Hungary	Nicaragua	Sweden
Canada	Iceland	North Macedonia	Switzerland
Chile	Ireland	Norway	Taiwan***
Colombia	Israel	Panama	Thailand
Costa Rica	Italy	Papua New Guinea	Timor-Leste
Croatia	Jamaica	Paraguay**	Turkey
Republic of Cyprus	Japan	Peru	Tuvalu
Czech Republic	Kiribati	The Philippines*	Ukraine
Denmark	Latvia	Poland	United Kingdom

Dominican Republic	Liechtenstein	Portugal	Uruguay
Ecuador	Lithuania	Romania	Vanuatu
El Salvador	Luxembourg		

^{*}Mongolia and the Philippines are eligible to participate in the H-2B program but are not eligible to participate in the H-2A program.

***Regarding all references to "country" or "countries" in this document, it should be noted that the Taiwan Relations Act of 1979, Pub. L. No. 96-8, Section 4(b)(1), provides that "[w]henever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan." 22 U.S.C. § 3303(b)(1). Accordingly, all references to "country" or "countries" in the regulations governing whether nationals of a country are eligible for H-2 program participation, 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1), are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

This notice does not affect the status of H-2 beneficiaries who currently are in the United States unless they apply to extend their stay in H-2 status on the basis of a petition filed on or after the date of publication of the Federal Register notice. Similarly, this notice would not affect the eligibility of an H-2 beneficiary to apply for an H-2 visa and/or seek admission to the United States based on an H-2 petition approved before the date of publication of the Federal Register notice. It does apply to nonimmigrants changing status in the United States to H-2A or H-2B. Each country's designation is valid from Nov. 8, 2024, until Nov. 7, 2025.

For more information on these programs, see the <u>H-2A Temporary Agricultural Workers</u> and <u>H-2B Temporary Non-Agricultural Workers</u> pages on our website.

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^{**}Paraguay is eligible to participate in the H-2A program but is not eligible to participate in the H-2B program.