



H-2B

WORKFORCE COALITION

Ashley McNeil, Chair
American Hotel &
Lodging Association

Arnulfo Hinojosa, Vice Chair
Federation of Employers and Workers of America

Andrew Bray, Treasurer
National Association of Landscape Professionals

Laurie Flanagan, Secretary
DC Legislative and Regulatory Services

Steering Committee:

American Hotel and Lodging Association

AmericanHort

American Rental Association

Federation of Employers and Workers of America

Forest Resources Association

Leading Builders of America

Mackinac Island Convention & Visitors Bureau

National Association of Landscape Professionals

Outdoor Amusement Business Association

Texas Nursery and Landscape Association

U.S. Chamber of Commerce

U.S. Travel Association

Vanteo

September 9, 2026

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C St. NW
Washington, DC 20520

The Honorable Markwayne Mullin
Secretary of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

The Honorable Keith Sonderling
Acting Secretary of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Secretaries Rubio, Mullin and Sonderling:

Re: Immediate Administrative Improvements to H-2B Processing

The H-2B Workforce Coalition is comprised of small and seasonal businesses across the country owned and operated by thousands of employers and their representatives from industries such as lodging, landscaping, seafood, restaurants, tourism, equine, forestry, mobile outdoor amusement, golf courses, and others. Our members are seasonal businesses that rely on the H-2B visa program to supplement their U.S. workforce during seasonal surge and peak business needs.

We write to request the Administration's assistance addressing several persistent processing problems that are increasingly undermining employers' ability to use the H-2B program as Congress intended. Our members invest substantial time and resources recruiting U.S. workers, obtaining temporary labor certifications from the Department of Labor, filing petitions with U.S. Citizenship and Immigration Services ("USCIS"), and arranging visa processing through the Department of State ("DOS"). Yet even after employers have completed these requirements, avoidable administrative delays and processing errors can prevent approved workers from reaching American businesses when they are actually needed.

These problems are particularly consequential in a seasonal visa program. A delay of several weeks is not merely an inconvenience. It can cause an employer to lose a substantial portion of its season, lose access to a numerically limited visa, prevent an H-2B worker from porting from one employer to another, or leave workers and employers in immigration and employment limbo while a government processing error is resolved.

We are not asking the Administration to reduce screening, increase the H-2B statutory cap, or waive requirements intended to protect American workers. Rather, we are asking DHS, DOS, and DOL to use existing administrative authorities more efficiently and to provide meaningful remedies when government processing errors threaten otherwise lawful H-2B employment. Specifically, we request that DOS, in consultation with DHS, establish a limited interview-waiver pilot for qualifying returning H-2B workers; that DHS establish an expedited and meaningful process to review and correct erroneous intake rejections while preserving the original filing date when agency error is established; and that DHS, DOL, and DOS modernize H-2B processing through carefully designed electronic filing and concurrent processing of the DOL labor certification and DHS petition.

Interview Waivers for Qualifying Returning H-2B Workers

We urge DOS, in consultation with DHS, to permit discretionary interview waivers for a narrow class of low-risk H-2B renewal applicants who have already been vetted, previously received a full-validity H-2B visa, complied with the terms of that visa, departed the United States as required, and present no apparent ineligibility or security concern.

Congress has provided authority to waive the in-person interview requirement for certain nonimmigrant visa applicants. Among other circumstances, the law permits waiver for an applicant seeking renewal in the same visa classification within 12 months after expiration of a prior visa when the applicable statutory conditions are satisfied. DOS has also previously exercised broader interview-waiver authority for H-2 workers following consultation with DHS.

Current DOS policy permits qualifying applicants renewing an H-2A visa within 12 months of expiration to be considered for an interview waiver when the prior visa was issued for full validity and the applicant satisfies additional eligibility requirements. H-2B renewals, however, are not presently included. We respectfully request comparable risk-based treatment for qualifying H-2B renewal applicants.

Requiring every returning H-2B worker to appear again in person consumes scarce consular appointments without necessarily improving security. It can also create delays that make an otherwise approved seasonal petition effectively unusable. When workers arrive weeks after an employer's certified date of need, American businesses can lose contracts and revenue, reduce services, postpone investments, and place additional pressure on their year-round American employees.

A targeted interview waiver would not eliminate the government's existing vetting process. Security checks, biometric and database screening requirements, Department of Labor certification, USCIS petition review, wage protections, and U.S.-worker recruitment obligations would remain in place. Consular officers would likewise retain complete discretion to require an interview whenever fraud, identity, immigration compliance, public safety, national security, or other concerns warrant additional scrutiny.

There is little reason to distinguish between a low-risk returning H-2A worker and a similarly situated returning H-2B worker for this purpose. Both are temporary worker classifications. Both involve employment authorized through petitions filed by U.S. employers. Both are subject to extensive federal regulation. And, in the case of a returning worker, the federal government already possesses substantial information concerning the individual's prior visa issuance and immigration history.

We therefore respectfully request an immediate, time-limited pilot allowing interview waivers for H-2B applicants renewing within 12 months of a prior full-validity H-2B visa, provided they apply in their country of nationality or residence, have no unresolved refusal or apparent ineligibility, and demonstrate prior compliance.

A pilot would allow the Administration to evaluate the policy based on actual results rather than assumptions. DOS could measure interview referrals, refusals, fraud findings, processing times, and employer delays and retain authority to modify or terminate the pilot if the evidence identifies security or program-integrity concerns. If the data demonstrate that these low-risk renewal applicants can be processed efficiently without compromising security, DOS could then consider making the policy permanent or expanding it based upon that experience.

USCIS Intake and Lockbox Processing Errors

We are equally concerned about persistent problems with USCIS intake processing of H-2B petitions and, more importantly, the absence of a meaningful process to promptly correct erroneous rejections.

Coalition members and their representatives have experienced petitions being rejected for alleged deficiencies that simply do not exist. For example, USCIS has returned H-2B petitions on the stated basis that the required Department of Labor temporary labor certification was not included even though the certification was contained in the filing package. In some instances, USCIS's own timestamp or other markings on the supposedly missing document demonstrate that USCIS actually received it.

The problem is not simply that mistakes occur. Any high-volume processing system will occasionally make mistakes. The more significant problem is that when USCIS makes an intake error, there is no meaningful and reliable process through which an employer can promptly present evidence of that error, obtain review by an individual with authority to correct it, and have the petition accepted using the date on which it should have been accepted in the first instance.

USCIS directs stakeholders experiencing certain lockbox problems to its Lockbox Support email address. In practice, however, that email address does not provide the type of meaningful administrative review required for time-sensitive H-2B petitions. An employer or representative can send an email, but there is no transparent adjudicative process, no predictable timeline for a substantive response, and no reliable mechanism for ensuring that the matter reaches someone empowered to determine that the rejection was erroneous and correct it.

For an H-2B employer, an email inbox is not an administrative remedy.

The practical alternative is generally to refile the petition. That may require an employer to reconstruct and reship a substantial petition package and incur additional legal, administrative,

copying, and expedited shipping expenses. Employers can spend hundreds or even thousands of dollars sending the same filing back and forth simply attempting to have USCIS accept a petition that was properly submitted in the first instance.

More importantly, refiling does not necessarily restore the employer or the affected workers to the position they occupied when USCIS received the original, properly submitted petition.

A Meaningful Error-Correction Process Must Restore the Original Filing Date

The distinction between an incomplete filing and an erroneous government rejection is critical.

When a petitioner actually fails to satisfy a filing requirement, it is understandable that the petitioner bears the consequences of correcting and resubmitting that filing. A very different situation exists when the employer timely submits a complete petition and USCIS erroneously rejects it.

In the H-2B program, the filing date can have enormous consequences. It may determine access to a numerically limited visa. It can affect the ability of a worker already in the United States to port to another H-2B employer. It can affect the immigration and employment position of workers while a petition is pending. And because H-2B employment is tied to a temporary period of need certified by the Department of Labor, time lost correcting an erroneous rejection cannot simply be recovered at the end of the process.

Where USCIS error causes the problem, there must be a meaningful mechanism to correct both the rejection and its consequences.

We therefore request that USCIS establish a dedicated H-2B intake-error review mechanism through which an employer or its authorized representative can promptly submit the rejection notice, proof of the original delivery date, relevant portions of the returned petition, documents bearing USCIS intake markings, and other objective evidence demonstrating that the petition satisfied the applicable filing requirements when USCIS originally received it.

That submission should be reviewed by USCIS personnel with actual authority to determine whether the petition was erroneously rejected. The process should have an established response period appropriate for the time-sensitive nature of H-2B petitions and an expedited escalation mechanism where the rejection affects a statutory cap, worker status, or H-2B portability.

Most importantly, when USCIS determines that a petition was timely and properly submitted but erroneously rejected because of agency error, USCIS should accept the petition using the date on which it was originally received.

The critical point is not simply that employers need another email address. They need a process that produces a decision and, when USCIS error is established, a meaningful remedy.

The Need for Expedited Review Is Especially Acute for H-2B Portability

The consequences of an erroneous rejection are particularly serious in cases involving H-2B portability.

Portability is intended to permit eligible H-2B workers already in the United States to transition to employment with a new H-2B employer based upon the proper filing of a new petition rather than requiring the employer and worker to await final adjudication. That mechanism allows workers already lawfully present in the United States to move where their labor is needed while remaining within the regulated H-2B system.

But portability necessarily depends upon USCIS accepting the petition for filing.

When USCIS rejects rather than receipts a transfer petition, the employer may be unable to rely upon portability and affected workers can remain in limbo while the employer attempts to determine whether USCIS will acknowledge and correct the error. During that time, the employer loses access to needed labor, workers may be unable to lawfully begin employment, and both parties face unnecessary uncertainty during a period of heightened immigration enforcement.

In at least one recent matter, correcting an apparently erroneous rejection required extraordinary efforts simply to identify and reach someone within USCIS who could meaningfully review the problem. That should not be necessary.

Most H-2B employers and their representatives do not have access to informal agency contacts or the ability to navigate internal government channels until they locate someone with both the willingness and authority to intervene. A lawful immigration system cannot depend on who an employer or representative happens to know within the government.

There must instead be a transparent and consistently available process that any H-2B petitioner can use when objective evidence demonstrates that USCIS may have erroneously rejected a properly filed petition.

This is particularly important in the current enforcement environment. Employers are expected to carefully verify employment authorization and comply strictly with federal immigration law. Employers attempting to use the lawful H-2B portability provisions should not simultaneously be placed in legal uncertainty because an administrative processing error prevents USCIS from generating the receipt associated with a properly submitted petition.

For portability cases, USCIS should establish an expedited escalation mechanism capable of promptly determining whether a rejection resulted from agency error. If USCIS determines that the petition was properly submitted when originally received, the agency should accept the petition using the appropriate original filing date and promptly issue the receipt necessary to resolve the workers' employment uncertainty.

Again, the issue is not merely access to an email inbox. It is access to an actual administrative remedy.

Modernizing H-2B Filing

The continuing problems associated with physical H-2B filings also demonstrate the need to modernize the USCIS filing process.

A properly designed electronic filing system could eliminate many purely mechanical intake problems. It could provide immediate confirmation of submission, establish an electronic record

of exactly what USCIS received, reduce disputes over whether a particular document was included in a package, facilitate payment of filing fees, and eliminate much of the extraordinary expense associated with repeatedly shipping time-sensitive petitions across the country.

The Coalition therefore supports moving toward electronic filing of H-2B petitions.

Modernization should also include greater coordination between DOL and USCIS so that portions of the H-2B process that can occur concurrently are no longer required to occur sequentially. DHS has already adopted this approach in the H-2A program. For eligible H-2A petitions requesting unnamed beneficiaries, an employer may electronically file its petition with USCIS after DOL issues a Notice of Acceptance on the underlying temporary labor certification application, while DOL-supervised recruitment and processing of the labor certification continue. USCIS may begin processing the petition during that period but does not finally approve it unless and until DOL issues the temporary labor certification.

We urge DHS and DOL to establish a comparable concurrent-processing framework for H-2B petitions. Once DOL has reviewed an H-2B application and issued a Notice of Acceptance, the employer should be permitted to file its H-2B petition with USCIS while the employer completes the required recruitment and DOL completes processing of the temporary labor certification. USCIS could begin those portions of its review that do not depend upon the final labor certification and hold final adjudication until DOL issues its determination. If DOL ultimately certifies fewer workers, modifies the dates of need, or otherwise modifies the application, USCIS could conform the petition to the final certification before approval. If DOL denies certification, USCIS could not approve the petition.

This approach would not eliminate or weaken any DOL recruitment requirement or permit USCIS to approve an H-2B petition without a valid temporary labor certification. It would simply eliminate unnecessary sequential processing between two federal agencies. Today, an H-2B employer must generally wait for DOL to complete its process before USCIS can begin its own, even though substantial portions of USCIS review do not require a final labor certification. For a program in which employers have a fixed and often short seasonal period of need, requiring one federal agency to finish before another can even begin adds avoidable time to an already compressed process.

The H-2A experience provides the Administration with a ready model for addressing this problem. Rather than designing a new process from scratch, DHS and DOL should evaluate extending the same basic framework to H-2B: issuance of the DOL Notice of Acceptance would permit USCIS filing and preliminary processing, while issuance of the final temporary labor certification would remain a prerequisite to USCIS approval. Coupled with electronic filing and appropriate information sharing between DOL and USCIS, concurrent processing could meaningfully reduce overall H-2B processing time without eliminating a single substantive program requirement.

At the same time, simply transferring a complicated paper process into an inflexible electronic portal does not necessarily improve that process. H-2B filings involve circumstances that may not be apparent when a generalized electronic filing platform is designed, including petitions involving multiple beneficiaries, named and unnamed beneficiaries, cap-subject and cap-exempt workers, supplemental visa allocations, portability, amended petitions, extensions, premium processing, and other program-specific circumstances.

We therefore urge USCIS to develop H-2B electronic filing in consultation with the employers, trade associations, agents, and experienced immigration practitioners who regularly use the program.

Before electronic filing becomes mandatory, USCIS should conduct a meaningful pilot that tests the system against the variety of petitions encountered in actual H-2B practice. The agency should provide stakeholders an opportunity to identify problems and should maintain a workable alternative filing mechanism until the electronic system has demonstrated that it can reliably accommodate the program.

The goal should not simply be to eliminate paper. The goal should be to build a filing system that is more reliable, transparent, and efficient than the system it replaces.

Requested Administrative Actions

Accordingly, the H-2B Workforce Coalition respectfully requests that the Administration coordinate among DHS, DOL, and DOS to:

1. Establish a time-limited pilot permitting qualifying H-2B renewal applicants to receive discretionary interview waivers when they are renewing within 12 months of a prior full-validity H-2B visa, satisfy applicable eligibility requirements, and present no apparent immigration, fraud, public-safety, or national-security concern;
2. Maintain full consular discretion to require an interview in any individual H-2B case warranting additional review while measuring the security and operational results of the interview-waiver pilot;
3. Establish a transparent, dedicated, and expedited H-2B intake-error review process through which employers and their authorized representatives can submit evidence demonstrating that USCIS erroneously rejected a properly submitted petition and receive a substantive determination from personnel empowered to correct the error;
4. Accept the petition using its appropriate original filing date when USCIS determines that a timely and complete petition was erroneously rejected because of agency error, including where necessary to protect the employer's H-2B cap position;
5. Establish expedited procedures for erroneous rejections affecting H-2B portability so that USCIS processing mistakes do not unnecessarily interrupt lawful employment or leave employers and workers in prolonged uncertainty; and
6. Develop and pilot an electronic H-2B petition filing system in consultation with experienced program stakeholders before making electronic filing mandatory.
7. Establish a concurrent-processing framework, modeled on the H-2A program, permitting eligible H-2B employers to file their petitions with USCIS following DOL's issuance of a Notice of Acceptance so that USCIS processing can proceed while DOL-supervised recruitment and labor-certification processing continue, with final USCIS approval remaining contingent upon DOL's issuance of the temporary labor certification.

None of these proposals would weaken the H-2B program's worker protections, diminish immigration screening, or interfere with the government's ability to identify fraud or national-security concerns. Instead, they would allow federal agencies to focus limited government resources where those resources provide the greatest benefit while ensuring that American businesses that follow the lawful immigration process are not harmed by avoidable administrative failures.

The H-2B program imposes substantial responsibilities on participating employers. Employers must recruit U.S. workers, obtain certification from the Department of Labor, file petitions with USCIS, pay substantial government fees, arrange consular processing, comply with wage and working-condition requirements, and satisfy numerous other federal obligations. Employers should be held accountable for meeting those requirements.

The government should likewise administer that process accurately, transparently, and efficiently.

At a time when the Administration has emphasized immigration enforcement and the importance of using lawful immigration pathways, improving the administration of the H-2B program advances both objectives. Businesses that invest significant time and resources to use the legal temporary-worker process should not lose access to needed workers because of preventable government processing failures. Workers who follow the legal process should not be left unable to work because the government erroneously rejected a properly filed petition. And low-risk returning workers should not unnecessarily consume limited consular interview capacity when appropriate screening can be accomplished through other means.

These are practical administrative reforms that can make the existing H-2B program work better without diminishing its protections. We appreciate the Administration's consideration of these requests and would welcome the opportunity to meet with representatives of the White House, DHS, DOL, and DOS to discuss these recommendations and provide specific examples of the processing problems employers are experiencing.

Sincerely,



Ashley McNeil
Chair



Arnulfo Hinojosa
Vice Chair

cc:

The Honorable Vince Haley, Director, Domestic Policy Council of the United States

The Honorable Kevin Hassett, Director, National Economic Council of the United States