



JAN 24 2008

**Homeland
Security**

The Honorable John J. Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This report was prepared in accordance with Section 416(d)(2) of the American Competitiveness and Workforce Improvement Act of 1998, as amended by Section 406 of the REAL ID Act of 2005, 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 (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 expires 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.

This report on H-2B nonimmigrants has been compiled from information provided by the Department of State (DOS), the Department of Labor (DOL) and three components within the Department of Homeland Security (DHS): U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). Identical copies of the report will be provided to the Chairpersons and Ranking Members of the House and Senate Committees on the Judiciary and of the relevant Subcommittees.

Regarding the number of aliens who were issued H-2B visas or otherwise provided H-2B status, it should be noted that, upon approval by USCIS of an H-2B petition, an alien may be accorded H-2B status through:

- Admission by CBP at a port of entry as an H-2B nonimmigrant after issuance of an H-2B nonimmigrant visa by DOS;
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- Change of status to H-2B nonimmigrant granted by USCIS.

Countries of Origin of Aliens Who Were Issued H-2B Visas by the Department of State

Countries of origin of aliens who were issued H-2B visas are as follows. This information is available in the FY 2006 Non Immigrant Visa Detail Table on the Department of State website (<http://www.travel.state.gov/pdf/FY06NIVDetailTable.pdf>).

Totals for Africa: 1,973

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Totals for Asia: 3,386

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Japan	218	Jordan	2
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Mongolia	38	Nepal	232
Pakistan	3	Palestinian Authority Travel Document	1
Philippines	1,590	Singapore	1
Thailand	11	Vietnam	15

Totals for Europe: 7,789

Country	Number	Country	Number
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Belgium	20	Bosnia and Herzegovina	8
Bulgaria	1,108	Croatia	5
Czech Republic	167	Denmark	8
Estonia	6	Finland	12
France	94	Germany	113
Great Britain and Northern Ireland	1,504	Hungary	55
Iceland	3	Ireland	65

Italy	38	Latvia	2
Lithuania	73	Macedonia	6
Malta	2	Moldova	124
Netherlands	47	Norway	8
Poland	574	Portugal	14
Romania	2,752	Russia	41
Serbia and Montenegro	290	Slovakia	217
Slovenia	16	Spain	26
Sweden	76	Switzerland	11
Turkey	18	Ukraine	172
Uzbekistan	22		

Totals for North America: 54,040

Country	Number	Country	Number
Antigua and Barbuda	7	Bahamas, The	1
Barbados	86	Belize	55
Canada	2	Costa Rica	786
Cuba	8	Dominica	1
Dominican Republic	853	El Salvador	266
Grenada	17	Guatemala	2,605
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Jamaica	4,727	Mexico	43,269
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Occupational Information On, and Compensation Paid To, Aliens Who Were Issued H-2B Visas or Provided H-2B Status

This information is available on the DOL website Public Disclosure page at <http://www.flcdatacenter.com/CaseH2B.aspx>, which is extracted from the enclosed spreadsheet. Please note that the DOL database provides information on the total number of labor certification applications issued, denied, and partially issued. As an approved labor certification is a prerequisite to approval of an H-2B petition, DHS has not included occupational information and compensation figures from the DOL database for persons other than those on whose behalf a labor certification was actually or partially issued.¹

H-2B Visas or Status Revoked or Otherwise Terminated

During the period from October 1, 2005 through September 30, 2006, USCIS revoked or otherwise terminated a total of 63 approved petitions, which would have authorized a total of 1,070 H-2B positions.

USCIS Monthly Breakdown

Month	Number of Petitions	Number of Beneficiaries	Month	Number of Petitions	Number of Beneficiaries
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During the period from October 1, 2005 through September 30, 2006, DOS revoked 13 H-2B, and 3 H-2R visas.

CBP or ICE cancelled the visas and terminated the status of 76 aliens who were either found inadmissible at a port of entry or found deportable after admission to the United States. The revocation or termination information from CBP and ICE is not available on a month-to-month basis.

H-2B Visas Issued and Status Provided in FY 2006 and FY 2005

During the period from October 1, 2005 to September 30, 2006, 127,184 aliens, including 50,854 returning workers, were issued H-2B visas or otherwise acquired H-2B status. This figure includes:

- A total of 122,541 H-2B visas issued by DOS (50,854 returning workers);
- A total of 1,944 requests for change of status to H-2B approved by USCIS; and

¹ It should be noted that, currently, unlike DOL, DHS does not specifically capture this type of information in its databases. Such information is nevertheless included, together with the underlying H-2B nonimmigrant visa petition, as part of each individual alien's immigration file.

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- A total of 2,699 aliens admitted without visas by CBP (2,687 Canadians, 1 Bermudan and 11 Bahamians).

During the period from October 1, 2004 to September 30, 2005, 92,001 aliens, including 1,643 returning workers, were issued H-2B visas or otherwise acquired H-2B status. This figure includes:

- A total of 87,816 H-2B visas issued by DOS (1,643 returning workers);
- A total of 1,667 requests for change of status to H-2B approved by USCIS; and
- A total of 2,518 aliens admitted without visas by CBP (2,512 Canadians, 3 Bermudan and 3 Bahamians).

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,



Donald H. Kent, Jr.

Assistant Secretary

Office of Legislative Affairs

Enclosure



Homeland Security

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Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

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Indonesia	532	Israel	183
Japan	218	Jordan	2
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Mongolia	38	Nepal	232
Pakistan	3	Palestinian Authority Travel Document	1
Philippines	1,590	Singapore	1
Thailand	11	Vietnam	15

Totals for Europe: 7,789

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Belgium	20	Bosnia and Herzegovina	8
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Czech Republic	167	Denmark	8
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Slovenia	16	Spain	26
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Totals for Oceania: 1,138

Country	Number	Country	Number
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Brazil	1,474	Chile	292
Columbia	116	Ecuador	56
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Occupational Information On, and Compensation Paid To, Aliens Who Were Issued H-2B Visas or Provided H-2B Status

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H-2B Visas or Status Revoked or Otherwise Terminated

During the period from October 1, 2005 through September 30, 2006, USCIS revoked or otherwise terminated a total of 63 approved petitions, which would have authorized a total of 1,070 H-2B positions.

USCIS Monthly Breakdown

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Sincerely,



Donald H. Kent, Jr.

Assistant Secretary

Office of Legislative Affairs

Enclosure



**Homeland
Security**

JAN 24 2008

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

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Sincerely,



Donald H. Kent, Jr.
Assistant Secretary
Office of Legislative Affairs

Enclosure



**Homeland
Security**

JAN 24 2008

The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Specter:

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Office of Legislative Affairs

Enclosure

JAN 24 2008



**Homeland
Security**

The Honorable Edward M. Kennedy
Chairman
Subcommittee on Immigration, Border
Security and Citizenship
Committee on the Judiciary
United States Senate
Washington, DC 20510

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¹ It should be noted that, currently, unlike DOL, DHS does not specifically capture this type of information in its databases. Such information is nevertheless included, together with the underlying H-2B nonimmigrant visa petition, as part of each individual alien's immigration file.


- A total of 2,699 aliens admitted without visas by CBP (2,687 Canadians, 1 Bermudan and 11 Bahamians).

During the period from October 1, 2004 to September 30, 2005, 92,001 aliens, including 1,643 returning workers, were issued H-2B visas or otherwise acquired H-2B status. This figure includes:

- A total of 87,816 H-2B visas issued by DOS (1,643 returning workers);
- A total of 1,667 requests for change of status to H-2B approved by USCIS; and
- A total of 2,518 aliens admitted without visas by CBP (2,512 Canadians, 3 Bermudan and 3 Bahamians).

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,



Donald H. Kent, Jr.
Assistant Secretary
Office of Legislative Affairs

Enclosure



Homeland
Security

JAN 24 2008

The Honorable John Cornyn
Ranking Member
Subcommittee on Immigration, Border
Security and Citizenship
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Cornyn:

This report was prepared in accordance with Section 416(d)(2) of the American Competitiveness and Workforce Improvement Act of 1998, as amended by Section 406 of the REAL ID Act of 2005, 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 (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 expires 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.

This report on H-2B nonimmigrants has been compiled from information provided by the Department of State (DOS), the Department of Labor (DOL) and three components within the Department of Homeland Security (DHS): U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). Identical copies of the report will be provided to the Chairpersons and Ranking Members of the House and Senate Committees on the Judiciary and of the relevant Subcommittees.

Regarding the number of aliens who were issued H-2B visas or otherwise provided H-2B status, it should be noted that, upon approval by USCIS of an H-2B petition, an alien may be accorded H-2B status through:

- Admission by CBP at a port of entry as an H-2B nonimmigrant after issuance of an H-2B nonimmigrant visa by DOS;
- Admission by CBP at a port of entry as an H-2B nonimmigrant without a visa, in the case of certain Canadian, Bermudan and Bahamian residents; or
- Change of status to H-2B nonimmigrant granted by USCIS.

Countries of Origin of Aliens Who Were Issued H-2B Visas by the Department of State

Countries of origin of aliens who were issued H-2B visas are as follows. This information is available in the FY 2006 Non Immigrant Visa Detail Table on the Department of State website (<http://www.travel.state.gov/pdf/FY06NIVDetailTable.pdf>).

Totals for Africa: 1,973

Country	Number	Country	Number
Botswana	2	Cameroon	2
Egypt	4	Ethiopia	3
Ghana	92	Lesotho	5
Morocco	4	Namibia	4
South Africa	1,856	Zimbabwe	1

Totals for Asia: 3,386

Country	Number	Country	Number
China (mainland born)	117	China (Taiwan born)	15
Hong Kong S.A.R.	12	India	153
Indonesia	532	Israel	183
Japan	218	Jordan	2
Korea, South	262	Lebanon	1
Mongolia	38	Nepal	232
Pakistan	3	Palestinian Authority Travel Document	1
Philippines	1,590	Singapore	1
Thailand	11	Vietnam	15

Totals for Europe: 7,789

Country	Number	Country	Number
Albania	25	Armenia	5
Austria	60	Belarus	2
Belgium	20	Bosnia and Herzegovina	8
Bulgaria	1,108	Croatia	5
Czech Republic	167	Denmark	8
Estonia	6	Finland	12
France	94	Germany	113
Great Britain and Northern Ireland	1,504	Hungary	55
Iceland	3	Ireland	65

Italy	38	Latvia	2
Lithuania	73	Macedonia	6
Malta	2	Moldova	124
Netherlands	47	Norway	8
Poland	574	Portugal	14
Romania	2,752	Russia	41
Serbia and Montenegro	290	Slovakia	217
Slovenia	16	Spain	26
Sweden	76	Switzerland	11
Turkey	18	Ukraine	172
Uzbekistan	22		

Totals for North America: 54,040

Country	Number	Country	Number
Antigua and Barbuda	7	Bahamas, The	1
Barbados	86	Belize	55
Canada	2	Costa Rica	786
Cuba	8	Dominica	1
Dominican Republic	853	El Salvador	266
Grenada	17	Guatemala	2,605
Haiti	1	Honduras	598
Jamaica	4,727	Mexico	43,269
Nicaragua	79	Panama	570
Saint Kitts and Nevis	4	Saint Lucia	54
Trinidad and Tobago	51		

Totals for Oceania: 1,138

Country	Number	Country	Number
Australia	920	New Zealand	218

Totals for South America: 3,358

Country	Number	Country	Number
Argentina	541	Bolivia	137
Brazil	1,474	Chile	292
Columbia	116	Ecuador	56
Guyana	3	Paraguay	8
Peru	288	Uruguay	34
Venezuela	409		

Totals for Unknown (No nationality): 3

Occupational Information On, and Compensation Paid To, Aliens Who Were Issued H-2B Visas or Provided H-2B Status

This information is available on the DOL website Public Disclosure page at <http://www.flcdatacenter.com/CaseH2B.aspx>, which is extracted from the enclosed spreadsheet. Please note that the DOL database provides information on the total number of labor certification applications issued, denied, and partially issued. As an approved labor certification is a prerequisite to approval of an H-2B petition, DHS has not included occupational information and compensation figures from the DOL database for persons other than those on whose behalf a labor certification was actually or partially issued.¹

H-2B Visas or Status Revoked or Otherwise Terminated

During the period from October 1, 2005 through September 30, 2006, USCIS revoked or otherwise terminated a total of 63 approved petitions, which would have authorized a total of 1,070 H-2B positions.

USCIS Monthly Breakdown

Month	Number of Petitions	Number of Beneficiaries	Month	Number of Petitions	Number of Beneficiaries
Oct 2005	5	104	Nov 2005	5	48
Dec 2005	3	109	Jan 2006	2	15
Feb 2006	2	50	Mar 2006	12	289
Apr 2006	4	217	May 2006	10	42
Jun 2006	7	8	Jul 2006	4	18
Aug 2006	6	164	Sep 2006	3	6

During the period from October 1, 2005 through September 30, 2006, DOS revoked 13 H-2B, and 3 H-2R visas.

CBP or ICE cancelled the visas and terminated the status of 76 aliens who were either found inadmissible at a port of entry or found deportable after admission to the United States. The revocation or termination information from CBP and ICE is not available on a month-to-month basis.

H-2B Visas Issued and Status Provided in FY 2006 and FY 2005

During the period from October 1, 2005 to September 30, 2006, 127,184 aliens, including 50,854 returning workers, were issued H-2B visas or otherwise acquired H-2B status. This figure includes:

- A total of 122,541 H-2B visas issued by DOS (50,854 returning workers);
- A total of 1,944 requests for change of status to H-2B approved by USCIS; and

¹ It should be noted that, currently, unlike DOL, DHS does not specifically capture this type of information in its databases. Such information is nevertheless included, together with the underlying H-2B nonimmigrant visa petition, as part of each individual alien's immigration file.

- A total of 2,699 aliens admitted without visas by CBP (2,687 Canadians, 1 Bermudan and 11 Bahamians).

During the period from October 1, 2004 to September 30, 2005, 92,001 aliens, including 1,643 returning workers, were issued H-2B visas or otherwise acquired H-2B status. This figure includes:

- A total of 87,816 H-2B visas issued by DOS (1,643 returning workers);
- A total of 1,667 requests for change of status to H-2B approved by USCIS; and
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