



BRIEFLY...

ETA'S LACK OF KEY CONTROLS OVER THE H-2B APPLICATIONS PROCESS JEOPARDIZED BUSINESSES THAT DEPEND ON H-2B WORKERS

September 28, 2018

WHY OIG CONDUCTED THE AUDIT

Members of Congress expressed concerns over reported delays in the Department of Labor's (DOL) H-2B application process. The H-2B visa program allows U.S. employers to temporarily hire non-immigrant workers for non-agricultural labor and services. H-2B application processing delays could prevent employers from obtaining foreign workers by their date of need.

To hire H-2B workers, an employer must first obtain a prevailing wage determination from DOL's Employment and Training Administration (ETA). Having obtained the prevailing wage determination, the employer can then submit its temporary labor application to ETA. The temporary labor application must be filed at least 75 days, but not more than 90 days, before the employer's date of need for formal approval. After ETA approves an application, the employer must then obtain approvals from both the Department of Homeland Security and the Department of State before foreign workers may enter the United States to work.

WHAT OIG DID

We conducted an audit to answer the following question:

Could ETA demonstrate that it processed H-2B applications so that employers could obtain foreign workers by their date of need?

For the period October 2015 through June 2016, we reviewed ETA's application process, a judgmental sample of applications for timeliness, and Fiscal Year (FY) 2016-2017 performance statistics.

WHAT OIG FOUND

ETA could not demonstrate that it processed H-2B applications so that employers could obtain foreign workers by their date of need. ETA did not evaluate the impact of its overall H-2B process on two other agencies that are part of the overall process, hold staff accountable for meeting internal application processing goals, or manage resources appropriately.

Our review found ETA's mean time to process applications at prevailing wage was 5 days more than the internal goal, and at the processing center it was 41 days over the internal goal. These delays, particularly in seasonal industries, would have serious adverse effects on business owners and local economies.

WHAT OIG RECOMMENDED

We recommended the Deputy Assistant Secretary for ETA develop policy to ensure H-2B applications are processed timely, develop a method for tracking and reporting on processing timeliness for H-2B applications, and develop a staffing plan to address peak seasons for receipt of H-2B applications.

The Principal Deputy Assistant Secretary for Employment and Training stated the agency has taken actions to address our recommendations. ETA disagreed with some of our conclusions; however, nothing in their response changed our report.

READ THE FULL REPORT

<http://www.oig.dol.gov/public/reports/oa/2018/06-18-002-03-321.pdf>