

Homeland Security Implements New Program for Employers to Hire Foreign Workers, but There's a Catch

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The Department of Homeland Security (“DHS”) announced a new program that U.S. employers could use to hire up to 30,000 workers each month from Cuba, Haiti, Nicaragua, and Venezuela, dwarfing programs that employers currently rely on to staff factory, construction, and other difficult-to-fill positions.

Unlike the popular B-2 visa program for unskilled workers, which is capped at 66,000 workers per fiscal year and is limited to a temporary period of usually nine months, the expanded entry program authorizes workers from Cuba, Haiti, Nicaragua, and Venezuela to come to the United States to work under advance parole for a period of up to two years.

DHS implemented the free program to encourage legal migration to the United States by workers and their immediate family (spouse, common-law partner, and unmarried children).

To be eligible, the worker must be sponsored by someone in the United States, which can include employers, who agree to provide full financial support—including housing and medical coverage—for the duration of the worker’s stay in the United States. Should the employer agree to sponsor the worker’s family, the employer would also have to provide the same financial support for those family members.

Providing full financial support may become an impediment for some employers since workers admitted into the United States under this program cannot start working until they receive an Employment Authorization Document (“EAD”) from U.S. Citizenship and Immigration Services, a process that may take six months or longer after the worker arrives in the United States.

In addition, the worker must also undergo security vetting, provide for the worker’s travel for the United States, comply with vaccination requirements and other public health guidelines, demonstrate that admission to the United States is warranted based on significant public benefit or urgent humanitarian reasons.

Employers seeking to hire a work-authorized Cuban, Haitian, Nicaraguan, or Venezuelan worker should weigh the costs and benefits of work authorization under this new program before initiating the process and filing the necessary forms with UCSIS. We continue to follow news on this new program and will provide updates when they become available.

For more information, contact a member of Benesch's [Labor & Employment Practice Group](#).

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