

H-2B, J-1 Visas, and Staffing

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Pabian Law and Seasonal Connect

Southern Innkeepers Association

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About us




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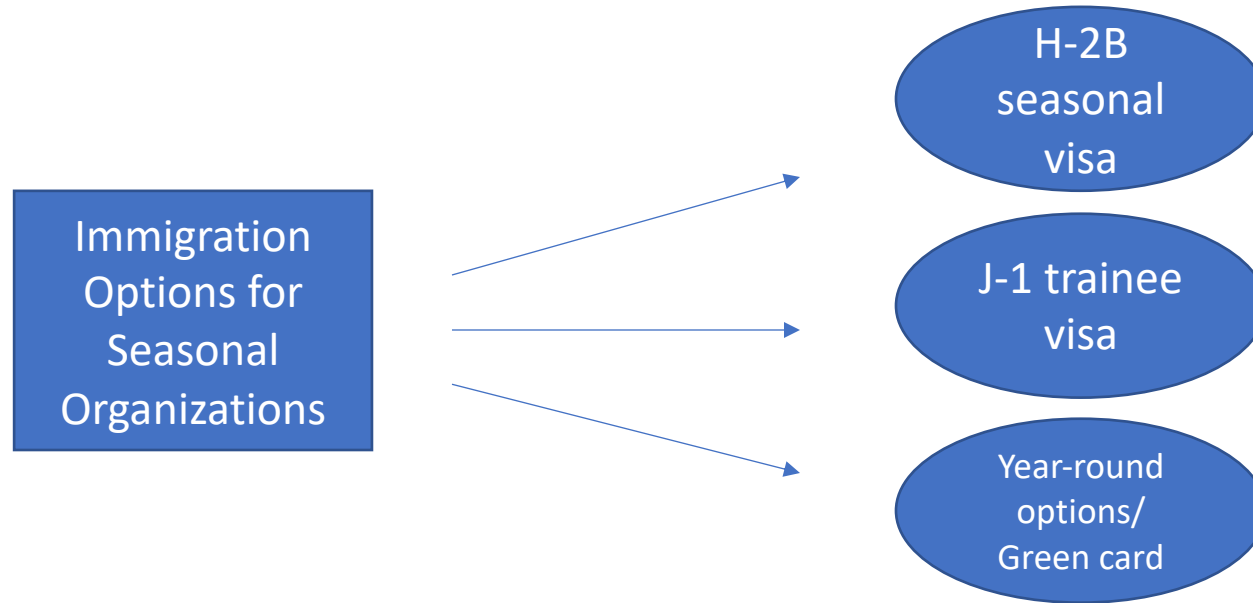
OLD 
EDWARDS
HOSPITALITY GROUP



The background is a vibrant blue digital scene. On the left, a portion of a globe is visible, showing continents and oceans. The right side features a curved, glowing surface with binary code (0s and 1s) and abstract data stream patterns. A bright light source on the right creates a lens flare effect. The overall aesthetic is futuristic and technological.

The basics of utilizing
international workers

So you want to employ a foreign national...



What is an H-2B visa?

- Seasonal visa available for up to 10 months
- Based on seasonal need of organization
- One of only visas available to staff a hospitality organization for needed positions
- Apply annually
- Employer sets requirements of position as well as start and end dates
- Can bring employees in from outside USA or transfer from an opposite season organization

What is a J-1 visa?

- Intern visa
- Designed for recent graduates to come to USA to experience and learn about our culture
- Summer Work and Travel and Intern categories
- Administered by U.S. Department of State
- Most fees paid for by the foreign nationals

Pro's and con's of H-2B visas and J-1 visas

H-2B visas

- Professional workers
- Usually some of your best staff members
- Can target specific roles that are hard/impossible to fill
- Ability to bring back year-after-year
- Once they arrive, you treat like other workers
- Numerical cap issue for summer-season employers
- Financial considerations, including flights
- Compliance obligations

J-1 visas

- Students/little to no experience
- Limited employer sponsorship obligations
- Can potentially bring workers for the height of your season (work and travel)
- Good management training opportunity (intern route)
- Cultural requirements
- Insurance provided by J-1 agency



Understanding the H-2B Visa Process

When to start your organization's H-2B visa petitions

Summer season needs (April 1st-September 30th start dates)	Winter season needs (October 1st-March 31st start dates)
September 15 th !!!	April 1 st



Popular H-2B jobs for hospitality organizations

- Cooks
- Dishwashers
- Servers
- Bussers/Runners
- Housekeepers
- Front Desk
- Groundskeepers
- Maintenance/Engineering
- Retail/Cashiers
- Lift Operators
- Snowmakers
- Ski Instructors

* Just about any job can qualify for an H-2B visa. If you have a seasonal need, we can usually make it happen!

Popular H-2B countries

- Over 150 eligible countries
- Each year, an eligible country list is issued
- Popular countries/areas include:
 - Jamaica
 - Mexico
 - Eastern Europe
 - South Africa
 - Philippines
 - United Kingdom
 - Ireland
 - Brazil



Can
organizations of
any size utilize
H-2B visas?



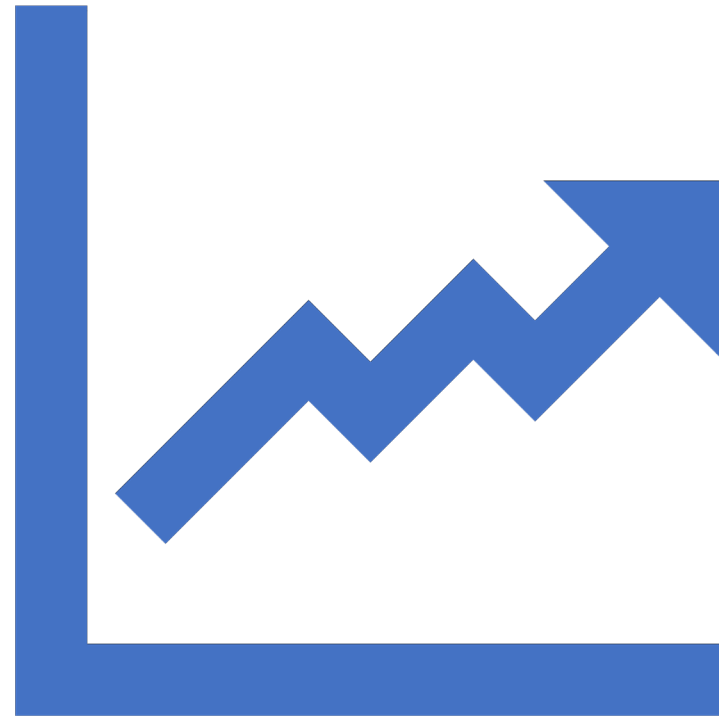
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Housing and Transportation Requirements

Unprecedented
Demand



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H-2B Visa Numerical Cap



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The Summer-Season Cap

- More competitive than ever
- ~40,000 worker jump in one year
 - 2022 summer-season: 136,555 workers
 - 2021 summer-season: 96,641
 - Total available under the cap for summer-season: 33,000





The Winter-Season Cap

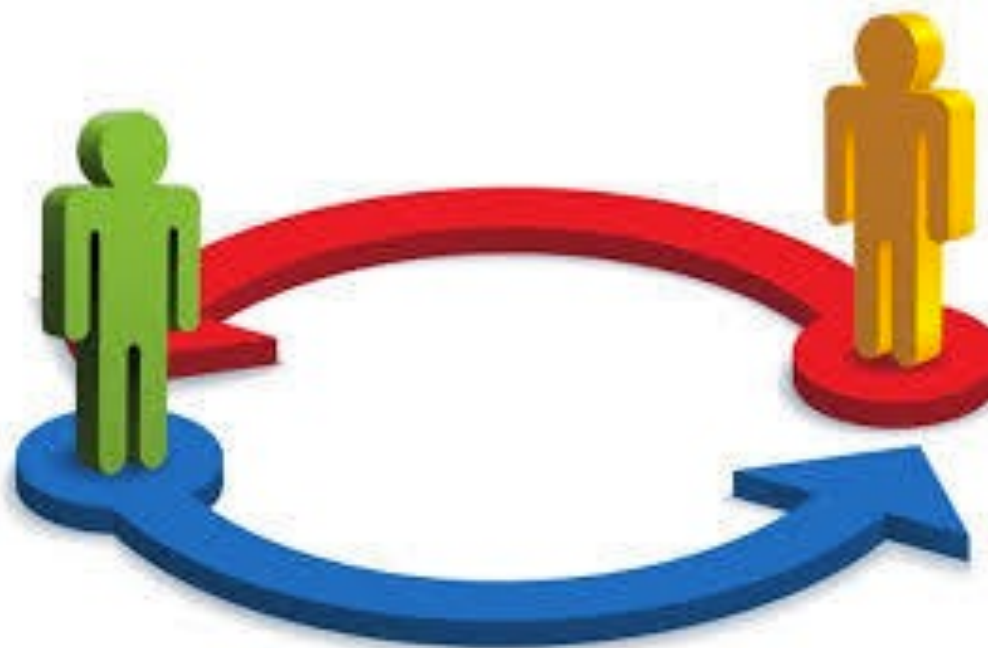
- Suddenly an issue!
- 2021-2022 season: Affected December 1st start date and later
 - 6 weeks earlier than ever before
 - About 4 times as many petitions received each week than ever before
- When will 2022-2023 cap be reached?





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Understanding In-Country Transfers



The background of the image is a dark grey ECG (heart rate) monitor display. It features a grid of small orange dots and larger orange lines. A black ECG waveform is visible, showing several heartbeats. A white rectangular frame is centered on the image, containing the text.

Taking the Pulse on J-1 and H-2B visas

The current J-1 landscape



- Delays at consulate and embassies
- How will COVID-19 and the 19 month decline in use of J-1 visas affect the future of the program?
- Will J-1 foreign nationals want to come/apply for your jobs?

The Current H-2B Landscape

- Unprecedented demand
- Petitions going smoothly with U.S. Department of Labor and U.S. Citizenship & Immigration Services
- Numerical cap and lottery impacts on summer-season organizations (and winter-season too!)
- Issues with bringing people to USA from out-of-country
- Return of Filipino workers!



Potential Legal & Legislative
Changes

2022 - It's not going to be easy!

The numerical cap

- Lottery results will likely be at an all-time low
- Only applies to out-of-country workers

In-country transfers

- More demand than ever before
- Workers know they have the power


COVID-19 Restrictions

- Vaccine mandates
- Housing considerations – extra rooms for quarantining?
- More of the same from 2020 and 2021?



Common mistakes in the H-2B visa process

- Not planning ahead
- Changes in employment (ex. Rent deductions, moving people to different roles, promotions, salary adjustments, etc.)
- Lack of communication with law firm/not asking questions
- Missing deadlines
- Not communicating with department heads
- Not telling government when workers' employment ends
- Multiple points of contact at one organization
- Passive recruiting
- Not communicating with workers/setting expectations
- Travel reimbursement issues
- Gaps and overlaps in employment for in-country workers



So, should your
organization utilize
international workers?



Utilizing Seasonal Connect!



Differentiating our two organizations



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Features of Seasonal Connect

Employer Search to find:

- In-country recruiting partners for American and international workers
- Benchmarking information

Worker search

Housing

Daily transportation

Community activities, including in-person and virtual events, Message Board, and conferences



Where we are today

Over 350 employers, and growing, across all seasons with hundreds of workers each

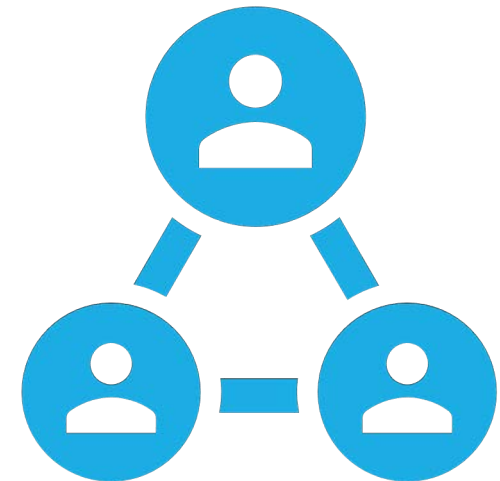
About 7,500 workers, and growing, who independently are looking for jobs

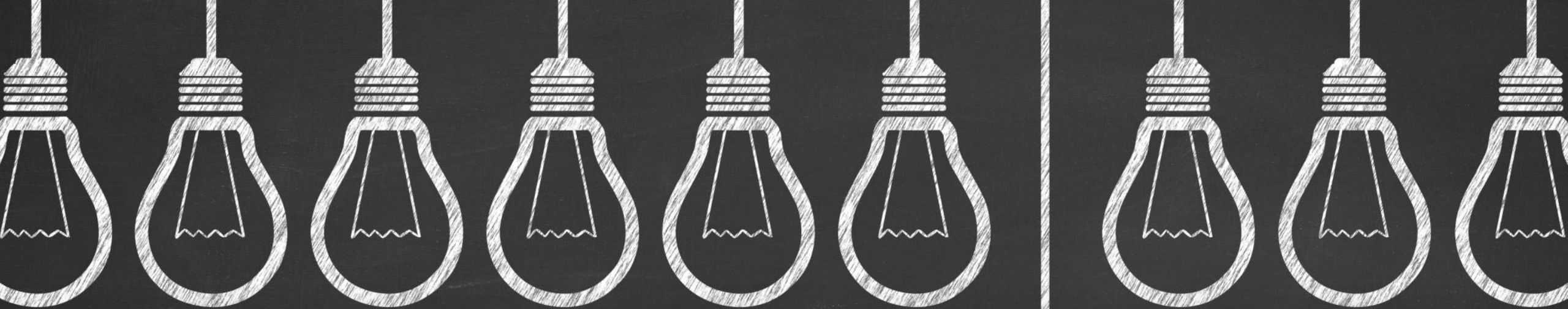
Employers are getting flooded with interested and qualified candidates

Seasonal Connect is truly revolutionizing seasonal staffing

- Employers are finding workers actively employed who want to come work for them during their busy seasons

Active community of seasonal employers participating in Seasonal Connect events





The Importance & Relevance of Seasonal Connect





How much of a crisis is the staffing crisis?

11 million job postings vs. 6.5 million job seekers

- 4.5 million gap!!!

Experts predict that this will be at least a 3-5 year crisis

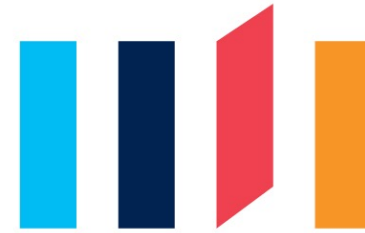




Staffing will only work
in this environment if
employers work
together!!!

Sign up at

www.seasonalconnect.com



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Questions?

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