



Ask the Expert: Seasonal Staffing Discussion with a Focus on H-2B and J-1 Visas

Partnered by:



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SPEAKER:



KEITH PABIAN

Founder

**PABIAN
LAW**

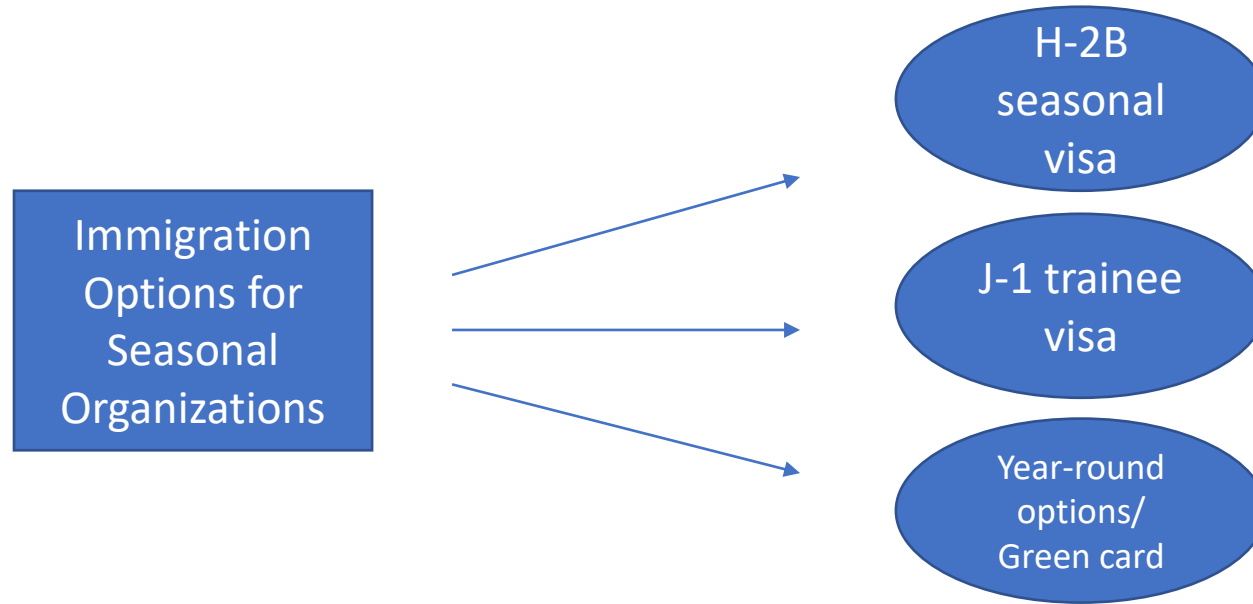


About us

- Pabian Law is a premier national corporate immigration law firm
- Major focus on the hospitality industry (H-2B visas, year-round visas, and green card applications)
- Heavily involved with numerous industry groups in the hotel, resort, private club, ski, and restaurant industries
- National firm headquartered in Massachusetts
- Regularly speak and write nationally about immigration issues affecting hospitality industry
- Particular attention given to customer-service, favorable results, and client education
- Created and launched 1st-ever proprietary H-2B visa software platform, Pabian BOOM!
- Seasonal Connect - coming Summer 2021!



So you want to employ a foreign national...





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H-2B visas vs. J-1 visas

Staffing options when turning
to foreign nationals to ease
your staffing struggles



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



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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



Understanding the H-2B Visa Process

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

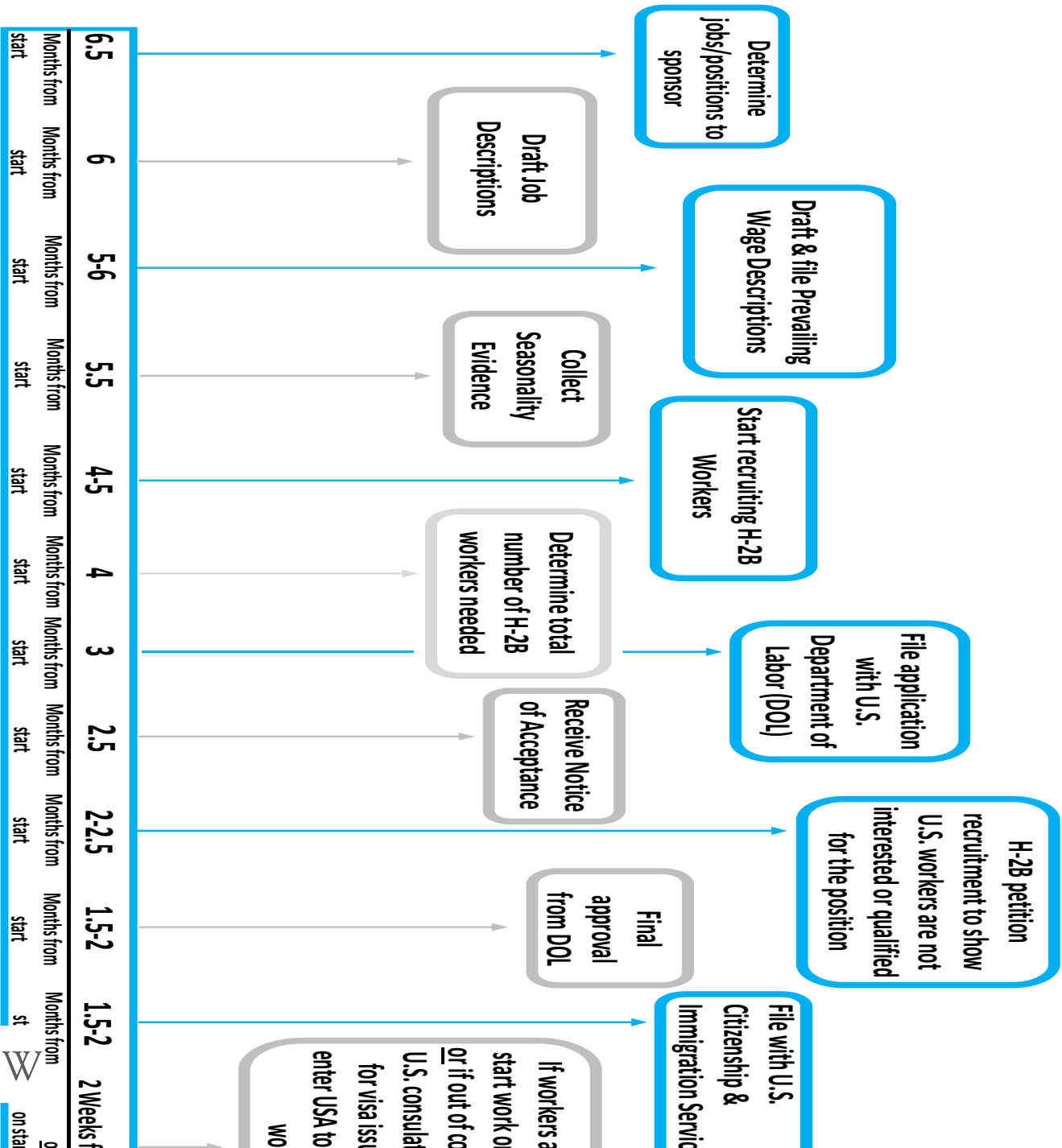
Summer season needs (April 1 st -September 30 th start dates)	Winter season needs (October 1 st -March 31 st start dates)
September 15 th !!!	April 1 st





Florida's
seasonality
and its
varied
seasons

Major Steps in the H-2B Process



Popular H-2B jobs for Hotels and Restaurants

- Cooks
- Dishwashers
- Servers
- Bussers/Runners
- Housekeepers
- Front Desk
- Groundskeepers
- Maintenance/Engineering
- Retail/Cashiers

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



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



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H-2B Visa Numerical Cap



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Defining the H-2B cap

- Congress numerically limited how many H-2B visas can be issued annually when it created the H-2B visa
- 33,000 are available during each half of the government's fiscal year
 - October 1st to March 31st
 - April 1st to September 30th
- Those who are in the United States on H-2B visas and transfer to an opposite season are exempt from the numerical cap
 - In-country transfers/extensions



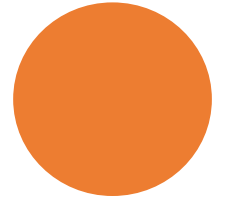
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H-2B Cap Questions

- When will the cap be reached for next winter season?
- Could cap reform be coming?
- Could Landscaping be headed for H-2A visas?
- What are the chances that the cap is increased in 2021?



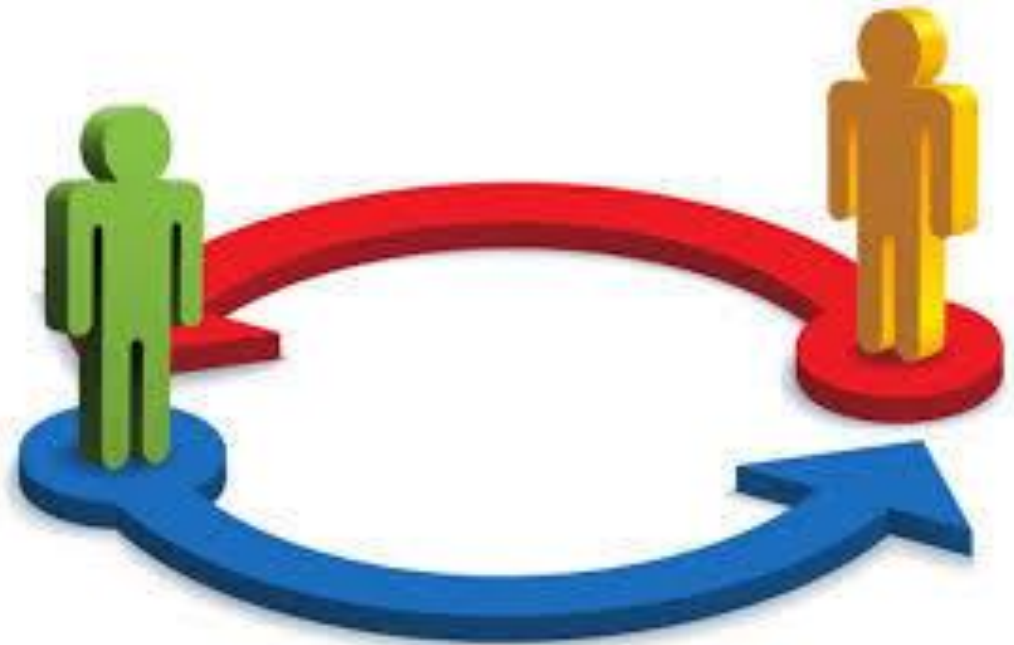
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Understanding In-Country Transfers



The H-2B visa petition & recruiting timelines

Petition Process (to obtain approval from government to employ H-2B workers)



Recruiting of H-2B workers



The current J-1 landscape



- How will the Trump administration's dislike of J-1 visas affect the future of the program?
- How will COVID-19 and the massive 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

- Petitions going smoothly with U.S. Department of Labor and U.S. Citizenship & Immigration Services
 - Return to normal DOL recruitment period
- Numerical cap and lottery impacts on summer-season organizations (and winter-season too!)
- Issues with bringing people to USA from out-of-country – Travel restrictions
 - President Trump travel bans
 - COVID-19 issues
 - Consulate/Embassy delays
- Return of Filipino workers!
- There has been a lot of governmental audits over the past couple of years
 - Will it continue?



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Acknowledging the Pain of 2020



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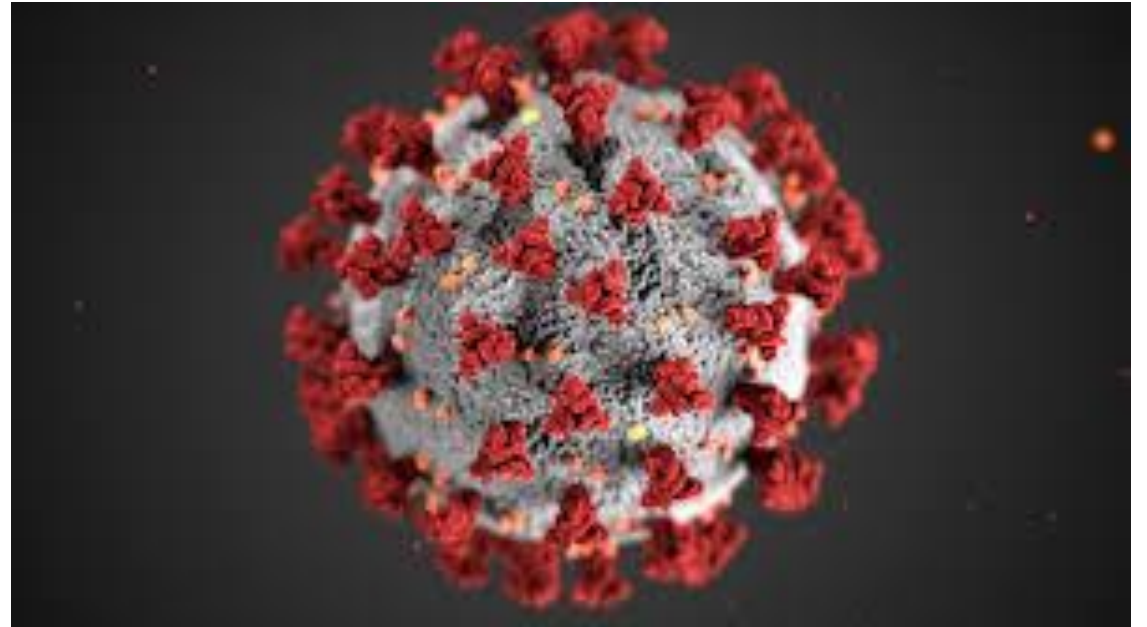
- COVID-19
- Unpredictable seasons (2 straight!)
 - Affected organizations and industries differently
- Expectations of guests and customers
- Forced closures and restrictions
- Weekly(ish) changes to U.S. immigration regulations and policies
- Trump Administration's pushing policies forward through COVID-19
- President Trump turned off ability of H-2B and J-1 workers to enter country through end of March 2021
- Travel nightmares
- Fatigue



Despite COVID-19
impacts, future
H-2B visa planning
will be normal
because...



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Despite the following impacts of 2020 and 2021, future planning will be normal because...

- President Trump's Presidential Proclamation - suspension of H-2B and J-1 entry to USA expired March 31st
- Impacts of President Biden's immigration friendly approach
 - Travel bans
 - Embassy/consulate closures and delays
 - Audits
 - Bans on travel from certain countries (Ex. South Africa)
- The return of out-of-country workers!
- Return of normal recruiting period – earlier approvals
- Summer-season organizations' decisions to proceed with 2021 petitions (in-country worker pool)



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How will my organization's 2021-2022 petitions be impacted if...

- We did not file for H-2B visa petitions last season?
- We did not utilize J-1 visa holders last season?
- We applied for less people on our H-2B visa petitions?
- We applied for different positions last year?
- Our revenue, expenses, and/or staffing numbers were strange in 2020
- We want to increase the number of H-2B workers in 2021-2022?
- We want to add new positions in 2021-2022?



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Future seasons could be your busiest yet – staff appropriately!

- Lack of U.S. workers!
- Vaccine!
- Even during pandemic, many organizations were busier than expected in 2020-2021 and current season
 - And, so many organizations started offering new and expanded opportunities
- J-1 summer work & travel danger
- Note: More summer-season moved forward with H-2B visas for 2021 season than initially expected
 - Potential for in-country transfers
- H-2B visas are here to help!



Looking for a resource to help you operate and staff your business?

- Coming Summer 2021!
- Interactive platform and database to solve seasonal organizations' most pressing operating and staffing needs



SEASONAL
CONNECT

COMPREHENSIVE SEASONAL TOOLKIT



EMPLOYER SEARCH

A first of its kind search function for seasonal employers to search for other seasonal employers based on specific search times and about a hundred criteria.



CLIENT CONNECTOR

Each week, the Client Connector is updated to reflect the most recent and up-to-date postings, so organizations can network, recruit, and connect.



SEASONAL WORKER SEARCH

View a worker's experience, current location, positions they're interested in, and more.



MESSAGE BOARD

Here you will be able to post questions, comment on existing topics, share documents, and network with organizations just like yours!



HOUSING

Search based on specific criteria and view a map to see where the housing opportunities are in relation to your organization and worksites.



RESOURCES

Locate recruiters, realtors, transportation providers, visa providers, and find videos, infographics, documents, and website links.



DAILY TRANSPORTATION

Organizations can view daily options nearest their worksites, includes both public and private options using a variety of search filters.



ROUNDTABLES & EVENTS

Our amazing monthly virtual roundtables bring together employers from across the country to discuss important and relevant topics.



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Questions?

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