October 2026

NEWSLETTER

By Ray Ramos

H-2B TEMPORARY WORKER PROGRAM

A practical solution for seasonal and peak-season labor needs

The H-2B program allows qualified U.S. employers to bring temporary foreign workers to the United States to perform non-agricultural temporary work when qualified and available U.S. workers are not sufficient to meet the employer's needsd a little bit of body text

WHY EMPLOYERS SHOULD START EARLY

DOL recommends requesting the prevailing wage determination at least 60 calendar days before it is needed and filing the H-2B application and job order generally 7days before the employer's date of need.

THE PROCESS

Establish a valid temporary need, such as seasonal, peakload, intermittent, or one-time need. Obtaina Prevailing Wage Determination (PWD) from DOL. conduct the required U. S. worker recruitment. Obtain a Temporary Labor Certification (TLC) from the Dept of Labor. File the H-2B Petition with USCIS. Complete the visa and consular proces for the workers

IMPORTANT EMPLOYER RESPONSIBILITIES

H-2B workers are employees of the petitioning employer. Employers must comply with applicable wage, payroll, employment and worker-protection requirements.Employers also need to understand that workers cannot be charged prohibited job-placement or recruitment fees as a condition of employment. USCIS specifically warns that prohibited fees can result in denial or revocation of an H-2B petition.

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The H-2B program is considered "successful" by U.S. business owners because it provides a reliable, legal solution to acute seasonal labor shortages in industries with low domestic worker interest

Key Drivers of the Program's Popularity and Scaled a little bit of body text

1) The program fills critical gaps in industries that rely heavily on physical, temporary, or peak-load labor—such as landscaping (which accounts for nearly 40% of certified workers), hospitality, hotels, forestry, and seafood processing—where domestic interest has steadily declined.
2) Business Growth and Continuity: Economic studies (such as data from the Library of Congress and industry analyses) show that access to H-2B workers helps boost employer revenue, maintain business survival, and support local U.S. jobs
3) High Retention and Returning Workers: Employers can frequently rehire the same trusted, pre-trained foreign workers year after year (with retention rates often exceeding 95%), which cuts training and turnover costs and stabilizes seasonal crews.

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