



*Visa workers updates*

*Changes in laws*

*New realities*

# What is H-2B program?

- **The H-2B nonimmigrant program** permits employers to temporarily hire non-immigrants to perform non-agricultural labor or services in the United States.
- The employment must be of a temporary nature for a limited period of time. Such as a one-time occurrence, **seasonal need**, peak load need or intermittent need.
- The H-2B visa holder can work for an employer no more than 10 consecutive months in any given season.
- The H-2B visa holder can stay in the USA transferring to different companies for up to 3 years.

# Who uses the H-2B Program?

- **Hospitality workers**

- Hotels / Motels, Chefs, Resorts and Theme Parks, Ticket Sales, Cruise Ships, Maids and House keeping, Ski Resorts, Restaurants and Bars, Water Parks, Janitorial, Ride Operators, Retail Stores

- **Food Industry**

- Meat, Poultry and fish cutters. Crabbing, Fishing etc.

- **Construction workers/ Maintenance.**

- Landscaping, Golf Courses, Security, Warehouse, and of course **Reforestation companies**, and many more.



# Wh

- Hopefully started ge ago by sending the a
- Must have enough S
- Every vehicle needs still need to be inspe
- Provide the insurance
  - 100,000 per pass
- Provide WC and GL i

Farm Labor Contractor Certificate of Registration  
 FLC-I-WE-ID-60749908-0921

SSN: \*\*\* - \*\* - 3266 | EIN: 82-0534879  
 Representative Name:  
 ROBERT ZAHARIE  
 Certificate Holder:  
 ALPHA SERVICES, LLC.

The person named above is registered pursuant to the Migrant and Seasonal Agricultural Worker Protection Act and is authorized to perform the following activities covered by the Act: Recruit, solicit, furnish, hire and employ.

Authorizations  
 Driving: Not Authorized  
 Transportation: Authorized | Housing: Not Authorized

Driving Authorization is valid only on the condition that the person issued this certificate of registration maintains a current valid driver's license for the type of vehicle being driven.

WAGE AND HOUR DIVISION  
 UNITED STATES DEPARTMENT OF LABOR

Valid Dates: 9/10/2020 - 9/9/2021  
 Amended: 7/27/2021

Address:  
 1141 N. 3rd St.  
 Coeur d'Alene, Idaho 83814 - 3211

This Certificate is based on the Migrant and Seasonal Agricultural Worker Protection Act and regulation issued thereunder, and on my application for registration. It may be revoked or suspended, its renewal denied, for noncompliance with the Act or regulation, including applicable requirements for transporting and housing migrant workers. Such noncompliance may constitute a criminal offense.

*[Signature]*  
 (Signature of Issuer)

# VD

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ALPHA SERVICES, LLC. FLC-I-WE-ID-60749908-0921						ALPHA SERVICES, LLC. FLC-I-WE-ID-60749908-0921					
Authorized Vehicles						Authorized Vehicles					
VIN	Make/Model	Year	Seats	Start/End		VIN	Make/Model	Year	Seats	Start/End	
B60609	Ford/TRUCK	2016	6	07/27/21-09/09/21		C12841	Ford/TRUCK	2018	6	07/27/21-09/09/21	
A40799	Ford/TRUCK	2008	2	07/27/21-09/09/21		C12842	Ford/TRUCK	2018	6	07/27/21-09/09/21	
A90992	Ford/TRUCK	2016	6	07/27/21-09/09/21		C12843	Ford/TRUCK	2018	6	07/27/21-09/09/21	
A41630	Ford/TRUCK	1994	2	07/27/21-09/09/21		C12844	Ford/TRUCK	2018	6	07/27/21-09/09/21	
662122	Dodge/TRUCK	2017	6	07/27/21-09/09/21		C12845	Ford/TRUCK	2018	6	07/27/21-09/09/21	
C42518	Ford/TRUCK	2017	6	07/27/21-09/09/21		C12845	Ford/TRUCK	2018	6	07/27/21-09/09/21	
C12839	Ford/TRUCK	2018	6	07/27/21-09/09/21		C12847	Ford/TRUCK	2018	6	07/27/21-09/09/21	
C12640	Ford/TRUCK	2018	6	07/27/21-09/09/21		C12848	Ford/TRUCK	2018	6	07/27/21-09/09/21	
Vehicles 1-8 of 78						Vehicles 9-16 of 78					
ALPHA SERVICES, LLC. FLC-I-WE-ID-60749908-0921						ALPHA SERVICES, LLC. FLC-I-WE-ID-60749908-0921					
Authorized Vehicles						Authorized Vehicles					
VIN	Make/Model	Year	Seats	Start/End		VIN	Make/Model	Year	Seats	Start/End	
C12849	Ford/TRUCK	2018	6	07/27/21-09/09/21		F33227	Ford/TRUCK	2016	6	07/27/21-09/09/21	
C12850	Ford/TRUCK	2018	6	07/27/21-09/09/21		503923	Dodge/TPUC	2015	5	07/27/21-09/09/21	
C12851	Ford/TRUCK	2018	6	07/27/21-09/09/21		904409	GM/C/TPUC	2007	12	07/27/21-09/09/21	
C12852	Ford/TRUCK	2018	6	07/27/21-09/09/21		B14731	Ford/TRUCK	2017	6	07/27/21-09/09/21	
C12853	Ford/TRUCK	2018	6	07/27/21-09/09/21		B14732	Ford/TRUCK	2017	6	07/27/21-09/09/21	
AR2863	Ford/TRUCK	2016	6	07/27/21-09/09/21		B14737	Ford/TRUCK	2017	6	07/27/21-09/09/21	
DR3112	Ford/TRUCK	2017	6	07/27/21-09/09/21		B14738	Ford/TRUCK	2017	6	07/27/21-09/09/21	
DR3113	Ford/TRUCK	2017	6	07/20/21-09/09/21		B14739	Ford/TRUCK	2017	6	07/27/21-09/09/21	
Vehicles 17-24 of 78						Vehicles 25-32 of 78					
ALPHA SERVICES, LLC. FLC-I-WE-ID-60749908-0921						ALPHA SERVICES, LLC. FLC-I-WE-ID-60749908-0921					
Authorized Vehicles						Authorized Vehicles					
VIN	Make/Model	Year	Seats	Start/End		VIN	Make/Model	Year	Seats	Start/End	
B14741	Ford/TRUCK	2017	6	07/27/21-09/09/21		D07957	Ford/TRUCK	2017	6	07/27/21-09/09/21	
B14742	Ford/TRUCK	2017	6	07/27/21-09/09/21		D07956	Ford/TRUCK	2017	6	07/27/21-09/09/21	
C74910	Ford/TRUCK	2017	6	07/27/21-09/09/21		D08121	Ford/TRUCK	2017	6	07/27/21-09/09/21	
965072	CHEVY/TRUCK	2007	2	07/27/21-09/09/21		B18560	Ford/TRUCK	2016	6	07/27/21-09/09/21	
A15173	Ford/TRUCK	2016	6	07/27/21-09/09/21		B18561	Ford/TRUCK	2016	6	07/27/21-09/09/21	
Z55277	Dodge/TRUC	2016	5	07/27/21-09/09/21		B18562	Ford/TRUCK	2016	6	07/27/21-09/09/21	
C85879	Ford/TRUCK	2017	5	07/27/21-09/09/21		B18563	Ford/TRUCK	2016	6	07/27/21-09/09/21	
B76070	Ford/TRUCK	2017	6	07/27/21-09/09/21		B18564	Ford/TRUCK	2016	6	07/27/21-09/09/21	
Vehicles 33-40 of 78						Vehicles 41-48 of 78					

# Items needed to get an FLCE

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- Or
- NO

U.S. Department of Labor Amended: 09/11/2018 12:03:37 PM  
Wage and Hour Division



**FLCE Certificate of Registration**

No. E-09-026457-I-19-R  
Expires 09/09/2019

Name JUAN L. GARCIA CRANADOS

I certify that the person named above is registered pursuant to the Migrant and Seasonal Agricultural Worker Protection Act and is authorized to perform the following activities covered by the Act: recruit, solicit, furnish, hire and employ.

Employer's Name ALPHA SERVICES, LLC.

Registration Number C-09-534879-I-19-R

Driving  Authorized  Not Authorized

Approved Adriana V. Iglesias Date 09/11/2018

(Program Manager) Form WH-513 (6/84)

Driving Authorization is valid only on the condition that the person issued this certificate of registration maintains a current valid driver's license for the type of vehicle being driven.

Social Security Account No.

Permanent Home Address 4301 SPIERS AVE

Coeur d Alene ID 83815  
(City or Town) (State) (Zip Code)

Date of Birth 09/12/1961 Height 5' 8"  
(Month)(Day)(Year)

This certificate is based on the Migrant and Seasonal Agricultural Worker Protection Act and regulations issued thereunder, and on my application for registration. It may be revoked or suspended, or its renewal denied, for noncompliance with the Act or regulations. Such noncompliance may constitute a criminal offense.

(Signature of Holder) (Title)

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# While we wait for PWD

- Seasonality statement and supporting documents.
- **Letters of Intent**
- Staffing chart
- Tax Information to match the Staffing chart
- Did I mention **Letters of Intent?!?**

**A**

**ND**

**ATTACHMENT A**  
 Alpha Services LLC TEMPORARY NEED SHOWING  
 1141 N 3<sup>rd</sup> St Coeur d'Alene, ID 83814

Designated Occupation: Forest Conservation Worker  
 Payroll Reporting Period: 2018

Month	Permanent Employment			Temporary Employment		
	Total Workers	Total Hours Worked	Total Earnings Received	Total Workers	Total Hours Worked	Total Earnings Received
January				418	30136	468743
February				484	57716	920886
March				438	30567	1076337
April				425	39085	673747
May				353	55015	911560
June				314	17062	257442
July				0	0	0
August				0	0	0
September				0	0	0
October						
November						
December						

Designated Occupation: Forest Conservation Worker  
 Payroll Report Period:

Month	Permanent Employment			Temporary Employment		
	Total Workers	Total Hours Worked	Total Earnings Received	Total Workers	Total Hours Worked	Total Earnings Received
January						
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						

I certify that the information contained on this monthly payroll report and its supporting pages is accurate and based upon the individual payroll records maintained by Alpha Services LLC for Calendar Year 2015-2016

\_\_\_\_\_  
 Juan Garcia, HR Manager  
 Alpha Services LLC

We will send the

- PWD
- Itinerary (expla
- MSPA Informa
- Seasonality an
- Staffing chart
- Tax informatio
- Letters of Inter



# Will it be a NOA or a NOD?

- If DOL decides you have proven the need for workers you will get a **NOA** (**N**otice **O**f **A**cceptance)
- If not you will get a **NOD** (**N**otice **O**f **D**eficiency) you will have 10 business days to respond to whatever they decided was missing.
- If you fail to respond to the deficiency **satisfactorily** and you get denied, you have to start from the beginning again.

# If You Get A NOA

- If you succeed and get a **NOA** the **SWA** (State **W**ork **A**gency) in every state involved will post your job, which will stay open until 21 days from date of need.
- Until a year ago we had to run expensive News Paper ads. Now we do not do the ads but instead DOL post the jobs on their site <http://seasonaljobs.dol.gov/>
- We will recruit for 14 days and at the end you will send proof that you posted the ad in a public place and your office and shop (pics)and any information on people that applied for the job. For every domestic person that accepts the job, we lose one visa. They will likely never work for Alpha
- At this point, the DOL will certify you for the amount of people you asked for, or for a reduced amount, depending on how many domestic people accepted the job.

## Time for USCIS

### United States Citizenship and Immigration Services

- Once you have the certificate you can do 2 different things with it.
  - Petition to bring people in on a new visa, If the CAP has not been met.
  - Petition to transfer people to the new certificate. These people are already in the country and you can transfer them from your company or other companies. Not part of the CAP

# Bring

- The first step to certificate from (I-797B) this will

1. \$1410 Premium
2. \$ 460 Form I
3. \$ 150 H-2B F

**Total \$2,020**

- As noted previous processed in 15 (Evidence). Very I-797B.
- Once they issue

**THE UNITED STATES OF AMERICA**  
I-797B | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number WAC1827051185		Case Type I129 - PETITION FOR A NONIMMIGRANT WORKER	
Received Date 08/27/2018	Priority Date	Petitioner ALPHA SERVICES LLC	
Notice Date 09/07/2018	Page 1 of 2	Beneficiary 545 WORKERS	

ALPHA SERVICES LLC  
c/o JUAN GARCIA  
1141 N 3 ST  
COEUR D ALENE ID 83814

**Notice Type:** Approval Notice  
**Class:** H2B  
**Valid from:** 10/15/2018 to 03/31/2019  
**Consulate:** MONTERREY

The above petition has been approved, and notification has been sent to the listed consulate. You may also send the tear-off bottom part of this notice to the worker(s) to show the approval. Please contact the consulate with any questions about visa issuance. **THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.**

Petition approval does not authorize employment or training. When the workers are granted status upon admission to the United States, they can then work for the petitioner, but only as detailed in the petition and for the period authorized. When seeking admission to the United States, the following classifications may be eligible for a grace period of up to 10 days before, and up to 10 days after the petition validity period: CW-1, E-1, E-2, E-3, H-1B, H-2B, H-3, L-1A, L-1B, O-1, O-2, P-1, P-2, P-3, TN-1, and TN-2. H-2A nonimmigrants may be eligible for a grace period of up to one week before and 30 days after the petition validity period. If provided at admission, this grace period will be annotated on the beneficiary's I-94 by Customs and Border Protection (CBP). The grace period is a period of authorized stay but does not provide the beneficiary authorization to work beyond the petition validity period. Please contact the IRS with any questions about tax withholding.

If circumstances change, the petitioner can file Form I-824 to have us notify another consulate of this approval. If any of the workers are already in the U.S. the petitioner can file a new Form I-129 to seek to change or extend their status based on this petition. Changes in employment or training may also require a new petition. Include a copy of this notice with any other required documentation.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

Number of workers: 545

Please see the additional information on the back. You will be notified separately about any other cases you filed.

California Service Center  
U. S. CITIZENSHIP & IMMIGRATION SVC  
P.O. Box 30111  
Laguna Niguel CA 92607-0111  
Customer Service Telephone: (800) 375-5283

Please tear off portion below and forward it to the alien worker.

The alien may use this portion when applying for a visa at an American consulate abroad, or if no visa is required, when applying for admission to the U.S.

Receipt#: WAC1827051185	Case Type: I129				
Notice Date: September 07, 2018	Petitioner: ALPHA SERVICES LLC,				
Petitioner Validity Dates: Valid from 10/15/2018 to 03/31/2019 Number of Workers: 545					
Name UNNAMED	DOB	COB	Class H2B	Consulate/POE MONTERREY	OCC 530

FORM I-797B [REV. 08/01/16]

# Visa

petition for a  
I got certified for

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trying to get your

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**THE UNITED STATES OF AMERICA**

RECEIPT NUMBER WAC-15-123-50089		CASE TYPE I129 PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE April 1, 2015	PRIORITY DATE	PETITIONER ALPHA SERVICES LLC
NOTICE DATE April 22, 2015	PAGE 1 of 2	BENEFICIARY RIVAS MARTINEZ, ABIMAEL O.
ALPHA SERVICES LLC C/O JUAN GARCIA 1141 N 3 ST COEUR D'ALENE ID 83814		Notice Type: Approval Notice Class: H2B Valid from 04/17/2015 to 07/31/2015 Consulate:
<p>The above petition for a change in the conditions of the employment or training that was previously authorized in this classification has been approved. It is valid for the period shown above. The named foreign worker(s) are authorized to be employed for this period pursuant to the terms and conditions of the petition.</p> <p>If the petitioner requested that the temporary stay of the named foreign worker(s) be extended, then the named workers' temporary stay has been extended for the period shown above.</p> <p>Since this employment or training authorization stems from the filing of this petition, separate employment or training authorization documentation is not required.</p> <p>The petitioner should give the lower portion of this notice to the named foreign worker(s). The worker(s) must keep the lower portion with his or her previous Form I-94, Arrival-Departure Document. The worker(s) must show it when requested by USCIS or any other component of the U.S. Department of Homeland Security. The I-94 portion should be given to the U.S. Customs and Border Patrol when he or she leaves the United States.</p> <p>The upper portion of this notice should be kept by the petitioner to show that employment or training of the named worker(s) is authorized. It must be shown if requested by USCIS or any other component of the U.S. Department of Homeland Security.</p> <p>The petitioner may file Form I-824, Application for Action on an Approved Application or Petition, to request us to notify a new consulate, port of entry or pre-flight inspection office of this approval.</p> <p>Please read the back of this form carefully for more information. If you have questions concerning tax withholding, please contact the Internal Revenue Service. Changes in employment or training may require you to</p>		

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
U.S. CITIZENSHIP & IMMIGRATION SVC  
CALIFORNIA SERVICE CENTER  
P. O. BOX 30111  
LAGUNA NIGUEL CA 92607-0111  
Customer Service Telephone: (800) 375-5283  
Form I797A (Rev. 10/31/05)N

PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records	<b>488438730 30</b>
Receipt# WAC-15-123-50089	Receipt Number WAC-15-123-50089
I-94# 488438730 30	United States Citizenship and Immigration Services
NAME RIVAS MARTINEZ, ABIMAEL O.	I-94
CLASS H2B	Departure Record Petitioner: ALPHA SERVICES
VALID FROM 04/17/2015 UNTIL 07/31/2015	14. Family Name RIVAS MARTINEZ
PETITIONER: ALPHA SERVICES LLC	15. First (Given) Name ABIMAEL
1141 N 3 ST	16. Date of Birth 03/30/1992
COEUR D'ALENE ID 83814	17. Country of Citizenship GUATEMALA

- A petition with all documents, Form I-94 showing legal status, and 2 pay stubs from the employer.
- Of course the fees are:
  1. \$1410 Premium Processing Fee
  2. \$ 460 Form I-94 Fee
  3. \$ 150 H-2B Fee

**Total \$2,020**

- If there are no previous notices, with the new notice, the applicant is sent to the consulate for each visa and the last one.

applicant is sent to the consulate for each visa and the last one.

for each

# Transferring People

- If they encountered problems USCIS will issue an RFE (**R**equest **F**or **E**vidence) You have 7 days to respond.
- Sometimes the RFE is a delay tactic because they ran out of time on the premium processing.
- Sometimes can be an easy fix, like a missing copy of a document, application error, etc.
- Sometimes can be overwhelming. They want you to prove length of stay for an applicant or several applicants.
- If one applicant has a problem, they will not approve anyone on the group until you fix the issue or withdraw the applicant in question.

# Absconders

- The absconding rate has been climbing in the last few years.
- As of the end of February we had a 26% absconding rate.
- Some abscond at the arrival airport.
- Some abscond right after they get their reimbursement check.
- Some wait for a few weeks and abscond.
- We are required to give notice to DOL and DHS about their separation.
- Some change their mind and try to come back.
- Some call and see if they can still get their reimbursement check.





*H-2B*

*By the Numbers*

# Increased Fall Visa Demand

- DOL has instituted a lottery for applications during the Spring April 1<sup>st</sup> allotment for a couple years and the Lottery is now being applied to Fall October 1<sup>st</sup> allotment.
  - Fall Nov 15 2020 Cap met
  - Fall Sept 30 2021 Cap Met 2,469 Employer Applications
  - 65,717 petitions applied for out of the 33,000 allotments

# Spring Allotment

- Spring 2022 136,555 Workers petitions applied for by 7,875 employers
- **Spring 2021** 99,000 worker petitions  
7,000 Approx.

# DOL Prevailing Wage Determination (PWD)

- July 1<sup>st</sup> each year the PWD office updates the prevailing wages.
- If a contractor is issued a PWD prior to June 31 or earlier, can have different prevailing wages than a contractor issued after July 1<sup>st</sup> each year

# MSPA

- DOL is running 3-4 months behind on issuing MSPA licenses, both FLC & FLCE's. Resulting in many problems.....DOL application forms change with out notice, and if a contractor sends in out dated forms they will be rejected.

# Steps Alpha is Taking to Protect its Clients

- The newest Concern for us is the increased demand on the fall, October 1<sup>st</sup> allocation when Alpha gets its visas.
- We saw this coming for the last couple years and started running 3 separate H-2B Certifications as a safeguard. If we lose one, we can still cover the needs of our PRIMARY clients.

# Joint Employment

- Under Trump's Administration Joint Employment was weakened. With Biden's Administration it has been strengthened again.
- Your only real defense is finding contractors who are doing their very level headed best to do everything correctly.

# H.R. 387

- The industry is lobbying for a Returning Worker Exemptions Act H. R. 387 which we encourage all to please support (See the FRA for details), this can increase the number of visa/workers by 60 to 80%.
- H-2B workers generally come back the next year if they have not absconded, so the percent of absconders obviously reduces the number of returning workers that can be accessed.
- Those who have stated support as of a month ago are:
  - **Republicans**
    - Rounds, Risch, Crapo, Wicker, Portman, Lummis, Graham, Barrasso, and Collins
  - **Democrats**
    - King, Coons, Bennet, Menendez, Shaheen, Warnock, Carper, Manchin, Warner, and Hickenlooper



# Absconders

- Our Industry is seeing a serious up tick in absconders. Depending on your political perspective, you can assign different reasons for this. My personal belief is that we need to better secure our borders.
- If our government does not take immigration law seriously, why should guest H-2B workers?