

Farmer Law PC



NAVIGATING THE H-2A VISA PROCESS

Attorney Kyle Farmer

1

Farmer Law PC



FILING TIMELINE AND REQUIREMENTS

2

WHAT IS A FARM LABOR CONTRACTOR?

- Also known as an H-2ALC, a farm labor contractor is an employer:
 - that is not a fixed-site employer, agricultural association, or an employee of a fixed-site employer or agricultural association
- AND
- Who recruits, solicits, hires, employs, furnishes, houses, or transports any worker subject to the H-2A regulations.

3

WHAT SPECIAL REQUIREMENTS ARE THERE FOR FARM LABOR CONTRACTORS?

- Farm Labor Contractors need a Farm Labor Contractors License (FLC) in most circumstances;
 - Some are exempt from FLC requirement, such as custom combine companies;
 - The current processing FLC processing time at WHD;
 - The impact of an untimely submission of a new or a renewal FLC application;

4

FARM LABOR CONTRACTOR REQUIREMENTS

- Farm Labor Contractors must have a surety bond to file with each H-2A application;
 - \$5,000 for a labor certification with fewer than 25 workers;
 - \$10,000 for a labor certification with 25 to 49 employees;
 - \$20,000 for a labor certification with 50 to 74 employees;
 - \$50,000 for a labor certification with 75 to 99 employees; and
 - \$75,000 for a labor certification with 100 or more employees

FLCE CERTIFICATE

- Farm Labor Contractors are required to have authorized drivers to transport the workers.
- What documents does a driver need to submit in order to obtain an FLCE certificate?
- How many drivers are needed
- Medical exam needs to be completed by FLCE candidate

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Navigating the H-2A VISA Process

Also available as part of the eCourse

[Business-Based Immigration: The Current Landscape for NIWs, H-2A and H-2B Visas, PERM](#)

First appeared as part of the conference materials for the
46th Annual Conference on Immigration and Nationality Law session
"Navigating the H-2A and H-2B Filing Process"