

ALLIANCE ABROAD

*Solving Hospitality Workforce
Challenges with Global Talent*

The H-2B Filing Roadmap

How to Stay Ahead of Critical Deadlines.

Hosted by:

Susan Van Nostrand
Alliance Abroad

&

Kyle Farmer

Farmer Law PC



Why This Matters:



- 🕒 Filing dates are the #1 reason employers miss out on H-2B workers.”
-

Agenda:

- ✅ What is H2B & Why Filing Dates Matter
- ✅ The Filing Calendar Explained
- ✅ Step-by-Step Timelines
- ✅ Key Dates, Most Common Mistakes and Compliance



What is H-2B & Why Filing Dates Matter

- Define the H-2B program in plain terms (temporary, seasonal, non-agriculture).
- Caps & competitiveness: supply vs demand.
- Why timing is everything — cap hits, over-filing, lottery selection.



The H-2B Filing Roadmap

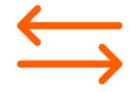


↔ The Filing Calendar Explained

- U.S. Fiscal Year: Oct 1 – Sept 30.
- First Half Cap: Oct 1–Mar 31 start dates.
- Second Half Cap: Apr 1–Sept 30 start dates.
- Filing outside the caps: year-round jobs, returning workers, or cap-exempt roles.
- Example: When employers typically miss opportunities.

6 months ahead is best!

The H-2B Filing Roadmap



Step-by-Step Timeline Backwards from Start Date

Let's walk through of a reverse timeline from the intended work start date.

- Prevailing Wage Determination (PWR).
- Job order & recruitment.
- DOL filing.
- USCIS petition.
- Visa consulate interview.
- Worker arrival.



The H-2B Filing Roadmap

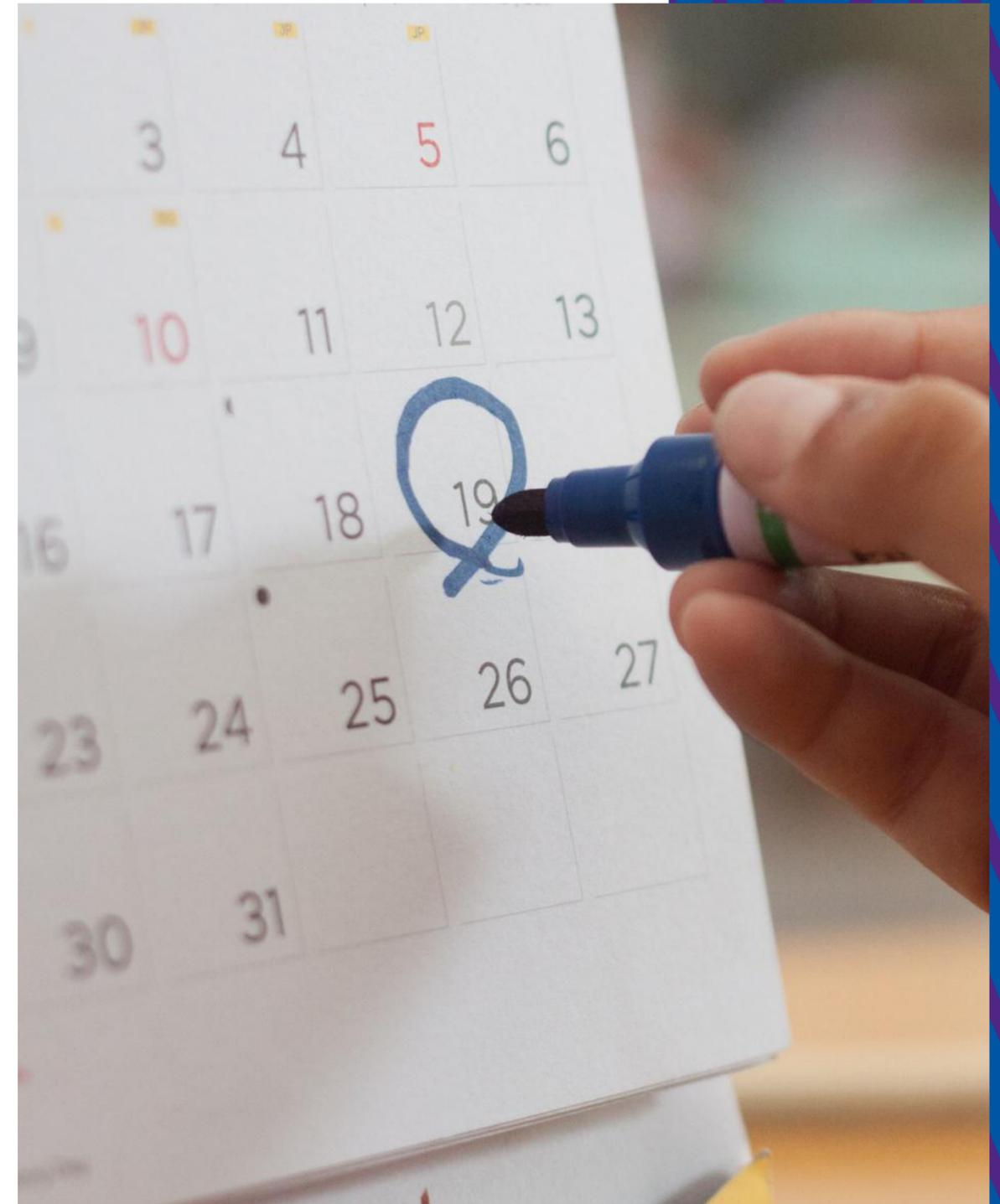


Step-by-Step Timeline Backwards from Start Date

Step 1: Prevailing Wage Determination (PWR)

Timeline: ~150–180 days before the work start date.

- Employer (or attorney) must request a wage from the Department of Labor (DOL) to ensure foreign workers will be paid at or above the “prevailing wage” in the job location.
- You cannot file the labor application until this comes back.



The H-2B Filing Roadmap

↔ Step-by-Step Timeline Backwards from Start Date

Step 2: Job Order and Recruitment

Job Order with State Workforce Agency (SWA):

Employer places the job with the local SWA for a minimum of **10 days**.
Must be active and open to U.S. workers.

Newspaper Advertisements:

Two print ads in a newspaper of general circulation in the area of intended employment.
One must run on a Sunday.

Internal Posting:

Employer posts notice at the worksite where U.S. workers can see it.
Must be up for at least **15 consecutive days**.

Contact Former U.S. Workers:

Employer must reach out to past U.S. employees who held the job in the last year, offering them the chance to return.

Accept All U.S. Applicants in Good Faith:

Employer must interview and consider all qualified U.S. applicants who apply until **21 days before the work start date**.
Only if no qualified U.S. workers are available can H-2B workers be requested.

Recruitment Report:

Employer must prepare a recruitment report documenting:
How many U.S. applicants applied.
Why each was hired or rejected (with lawful, job-related reasons).
Report is submitted to DOL for certification.



The H-2B Filing Roadmap



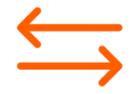
Step-by-Step Timeline Backwards from Start Date

Step 3: If DOL finds the recruitment was valid and no U.S. workers are available, they certify the application.

Step 4: Employer takes the DOL certification and files a **petition with USCIS** for the number of H-2B visas needed. At this point, the employer lists the **foreign workers they intend to hire** (if they have them identified) *or* requests unnamed workers if they're using a recruiter/agency to supply them.



The H-2B Filing Roadmap



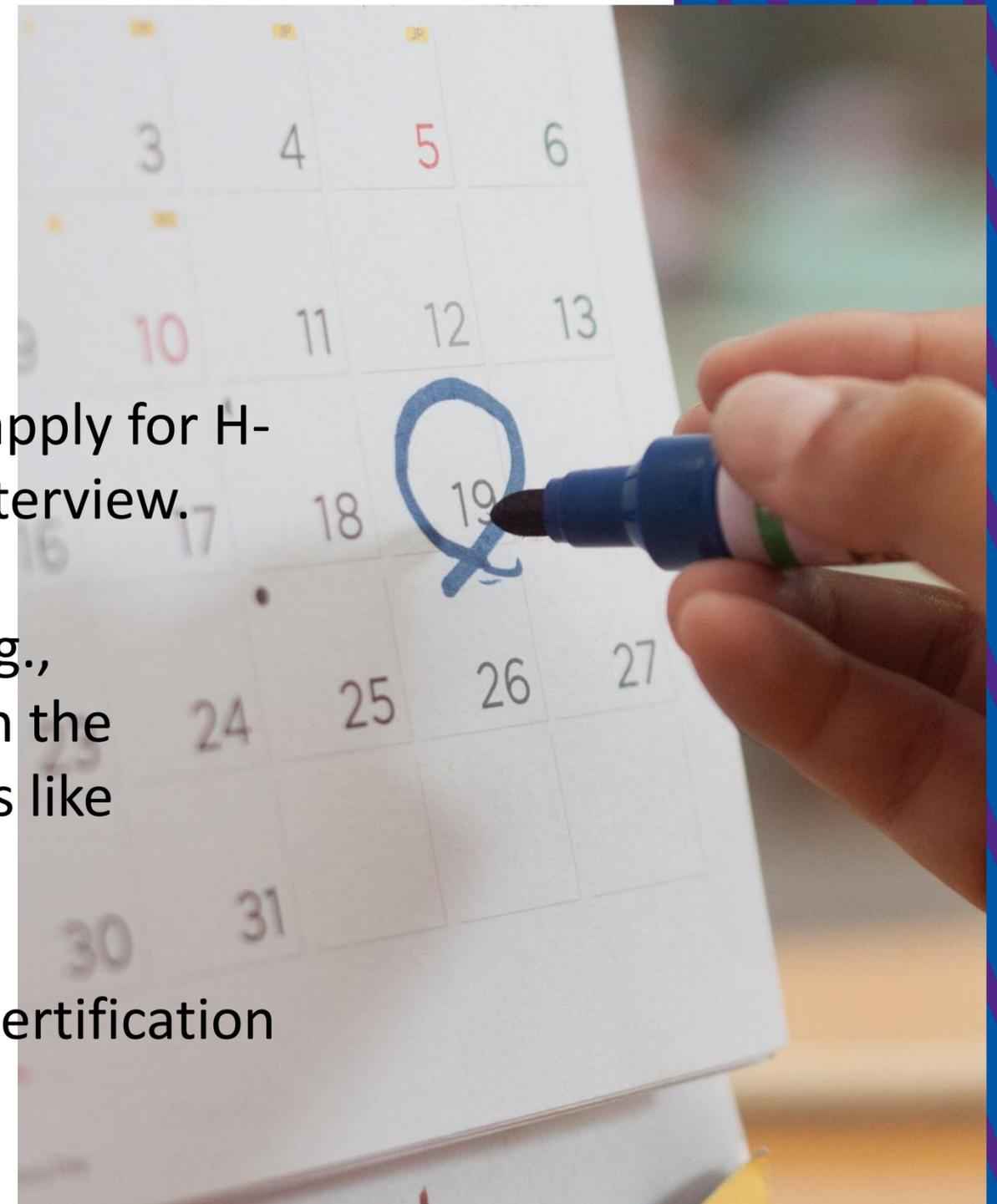
Step-by-Step Timeline Backwards from Start Date

Step 5: Once USCIS approves the petition, foreign workers apply for H-2B visas at U.S. consulates in their home countries for an interview.

If the employer already knows which workers they want (e.g., returning workers from past seasons), they can be named in the petition and proceed straight to the visa interview. Agencies like Alliance Abroad handle all the coordination.

If not, the employer begins **foreign recruitment** only after certification and petition approval.

Step 6: Worker Arrival





The H-2B Filing Roadmap

A Few Real Life Examples

Hotel ABC needs H-2B Workers to start on Feb 1st and work until Dec 1st.

- Date to start process is: _____
- Prevailing Wage Determination (PWR).
- Job order & recruitment.
- DOL filing.
- USCIS petition.
- Visa consulate interview.
- Worker arrival.

- Recruiting Process:
 - These will be supplemental workers and returning workers not subject to the lottery or caps.

Hotel XYZ needs H-2B Workers to start on April 1st and work until Jan. 1st:

- Date to start process is: _____
- Prevailing Wage Determination (PWR).
- Job order & recruitment.
- DOL filing.
- USCIS petition.
- Visa consulate interview.
- Worker arrival.

- Recruiting Process:
 - These could be new workers and come from all over the world depending on your “group” number. Once there you can have the same group return year after year.



The H-2B Filing Roadmap



Key Dates, Common Mistakes & Compliance

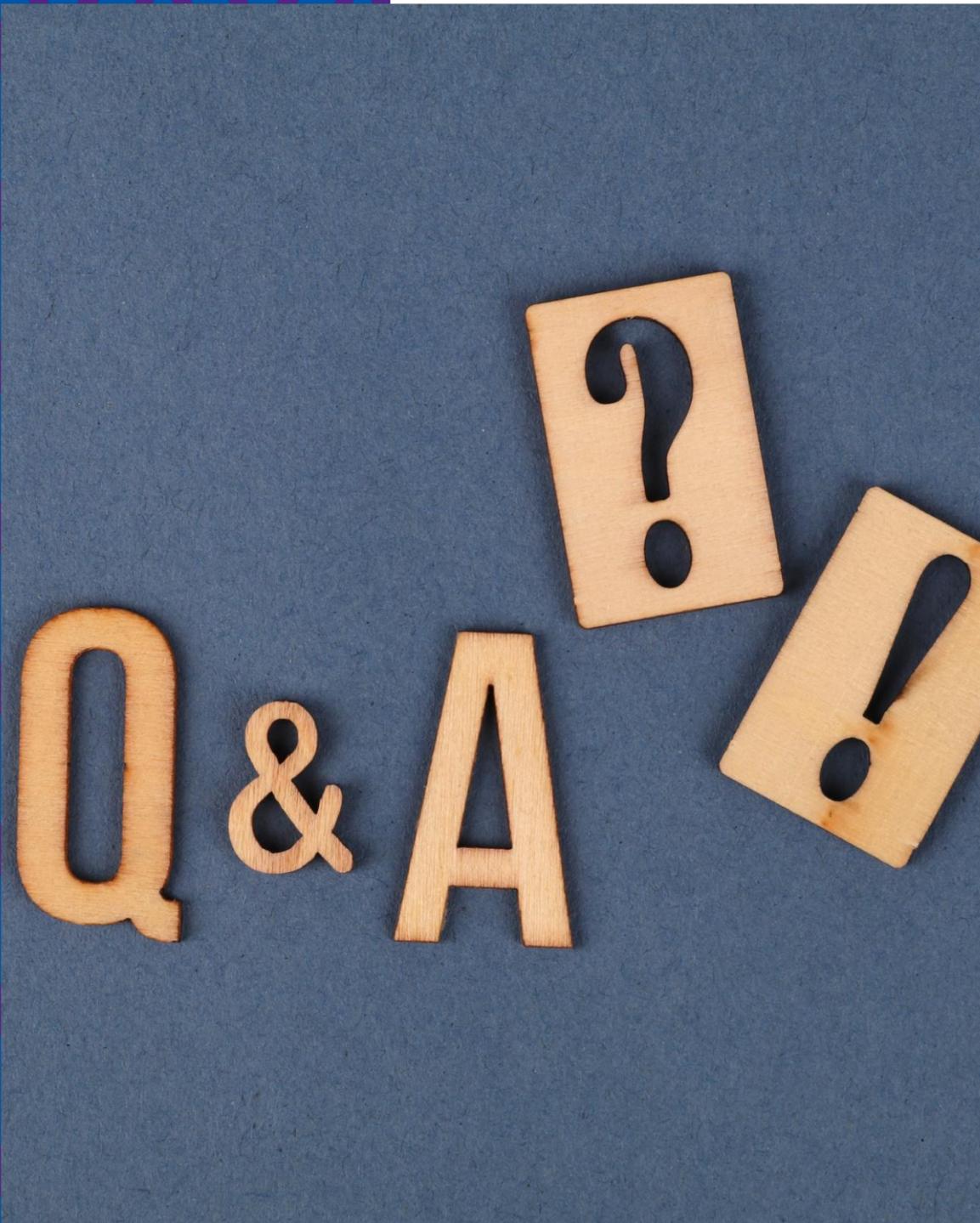
Typical errors:

- Starting too late.
- Misunderstanding half-year caps.
- Incomplete recruitment documentation.

Employer responsibilities:

- Recruitment reports.
- Compliance with wage, hours, housing (if applicable).
- Keeping records for audits.

The H-2B Filing Roadmap



Remember:

- Start early
- Know your season and start dates
- Track deadlines
- Have clear and continuous communication with your attorney and Alliance Abroad
- Complete your interviews of foreign workers and keep them engaged

Any Questions?

ALLIANCE ABROAD

Thank You!

Susan Van Nostrand: svnostrand@allianceabroad.com