

'TRULY NO BETTER OPTION': H-2B VISAS FOR CONSTRUCTION WORKERS SPARK INDUSTRY CONTROVERSY

News
Jun 21, 2016

The article, "'Truly No Better Option': H-2B Visas for Construction Workers Spark Industry Controversy," featured in *Construction Dive*, provides an in-depth look at the H-2B Visa program and examines whether or not H-2B is beneficial for construction firms.

Jocelyn Campanaro and Angelica Ochoa provided commentary on the H-2B program and the requirements to qualify for the program.

There are many classes of worker visas, but, currently, the only foreign worker visa available to U.S. companies allowing them to bring in skilled or unskilled construction labor is the H-2B Temporary Non-Agricultural Workers visa. Management and supervisory personnel have other visa options requiring a bachelor's degree or some other proof of "professional capacity," said Jocelyn. "Although (some skilled tradesmen) may have a high level of skill or years of experience, they don't have a professional capacity, and they're not going to qualify for another visa," she said.

Employers also have to show that there are no American workers "able and willing" to do the work, Jocelyn said. This is achieved through a rigorous advertising process that includes newspaper ads, state employment agency notices and job site postings to prove to the DOL that there is truly no American worker available for the position, according to Angelica Ochoa. "There are a lot of extra steps to recruitment that employers don't usually take," Angelica said.

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