



# Increase to H-2A Visa Fee May Dissuade Employers from Seeking Essential Foreign Labor

Insights

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Adding to the burden on employers leveraging the H-2 visa, the Department of State just published its own proposed rule outlining that this H-category of visa fees will jump from \$190 to \$310. This mimics additional burdens on these employers created by the Department of Labor's wage analysis as seen in [the Department of Labor's staggering increases to H-2A employers' Adverse Effect Wage Rates](#).

## Impact on H-2A Visas

In its announcement, the Department of State specifically singled out H-2A visas. Instead of focusing on the huge jump in visa cost itself, the Department compared the visa cost to that of all H-2A expenses concluding, "this increases the total cost of bringing a worker by just over one percent." This reflects the lack of understanding the government has with the needs of businesses.

## What Can Employers Do Now?

The Comment period is open until February 28, 2022. Many of the comments already submitted request a more gradual increase. They note that this jump was unpredictable and will have a negative impact on visa users, particularly farmers, who budget for such program costs when planning for the next year.

Users should work with associations and submit public comments. [Employers may post a public comment by clicking here](#). If you are interested in submitting a comment or joining up with other employers in the same boat, you can also contact your Fisher Phillips attorney or the author of this Insight for assistance.

## Conclusion

We will monitor developments related to this proposed rule and provide updates as warranted, so make sure that you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox. If you have further questions on this or on the H-2A process in general, contact your Fisher Phillips attorney, the author of this Insight, or any of the attorneys in our [Wage and Hour Practice Group](#).

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