

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

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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](#).