Farmer Law PC

NAVIGATING THE H-2A VISA PROCESS

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FILING TIMELINE AND REQUIREMENTS

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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.

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;

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

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