

# Understanding the Basics, Key Updates, and Latest Trends in the H-2B Visa Program

Keith Pabian, Founding Partner

Pabian Law

January 2026



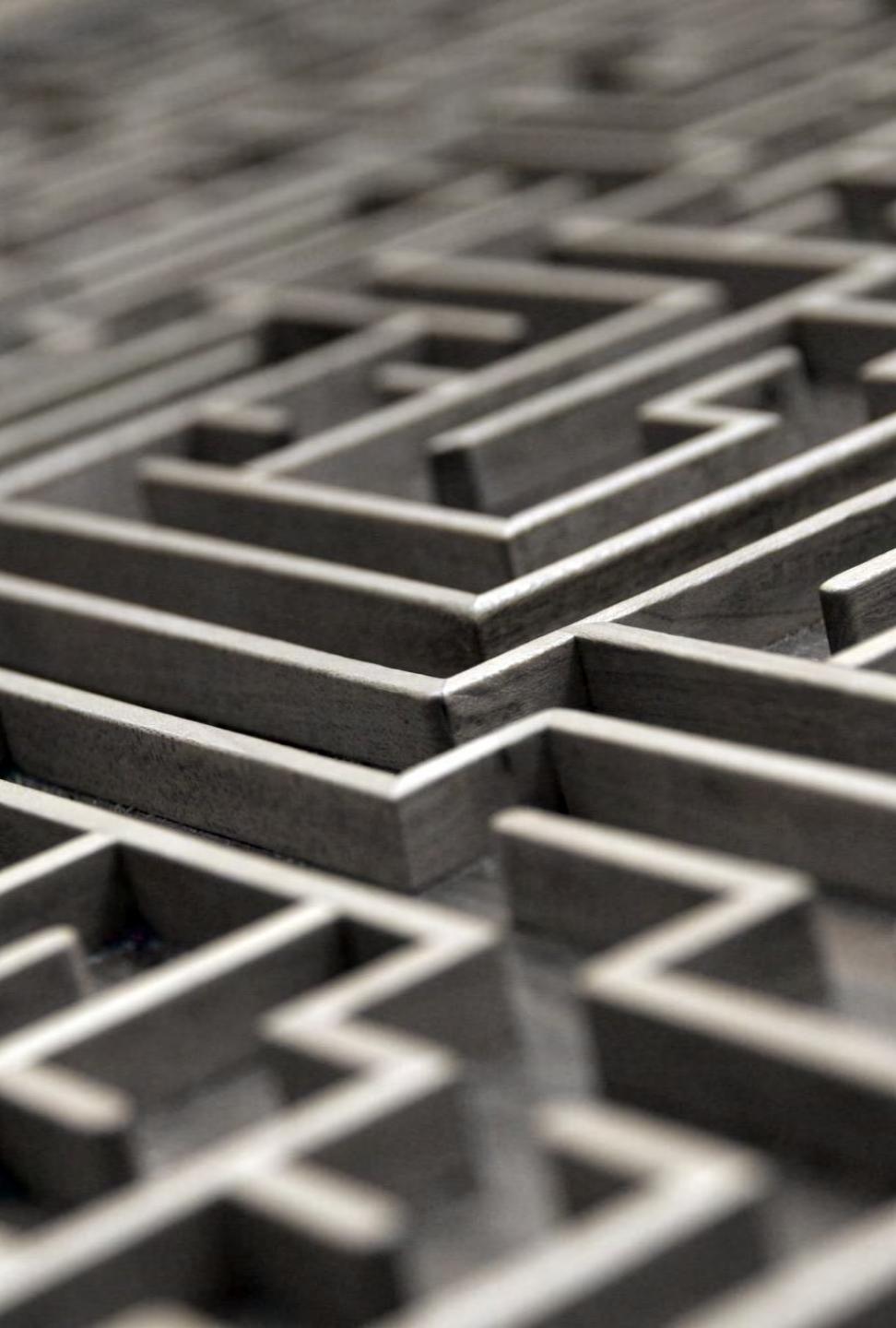
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# About us

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# Today's conversations

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10:30-11:30AM IN AMPHITHEATER II

H-2B VISA BASICS

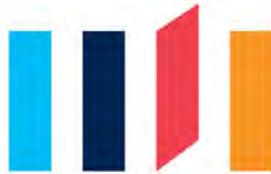
4:15-5:15PM IN AMPHITHEATER II

KEY UPDATES & TRENDS

BEST PRACTICES & THE ROAD AHEAD

# Staffing Update (January 2026)

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**SEASONAL  
CONNECT**

Low unemployment

- 2.1% in South Dakota
- 4.4% nationally

Labor shortages and ongoing staffing struggles – especially for certain roles

Competition locally for limited workforce

Impacts from immigration changes - humanitarian, asylees, refugees, and undocumented workers leaving the workforce

Net negative immigration for the 1<sup>st</sup> time in over 50 years

Wage, benefit, schedule, and other impacts on turnover and retention

Employee experience

Remote workers

Finding the “right” worker

# H-2B Basics



# What is an H-2B visa?

- Seasonal visa available for up to 10 months
- Based on seasonal need of organization
- One of only visas available to staff a hospitality organization for needed positions
- Apply annually
- Employer sets requirements of position as well as start and end dates
- Can bring employees in from outside USA or transfer from an opposite season organization
- Citizens of all countries are now eligible for H-2B visas!
  - Bring back your amazing J-1 visa workers!



# Why are so many hospitality & tourism organizations using H-2B visas?

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- Longer season (including shoulders)
- Workers who want to work
- More experienced workers (often a property's best workers)
  - Hospitality experience
- Ability to work in luxury, high-demand, and/or fast-paced environments
- Ability to return for future seasons
- Ability to grow into supervisory and managerial positions
  - Note: need separate petitions
- Ability to bring workers to property from inside the USA



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# H-2B visas – the root of hospitality and tourism's immigration processes

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# Popular H-2B jobs for hospitality properties

- Housekeepers
- Janitorial
- Cooks
- Dishwashers
- Servers
- Bussers/Runners
- Front Desk
- Golf Course Maintenance
- Groundskeepers
- Maintenance/Engineering
- Retail/Cashiers
- Supervisors and Managers



\* Just about any job can qualify for an H-2B visa. If you have a seasonal need, we can usually make it happen!

# Differentiating H-2B visas from J-1 visas

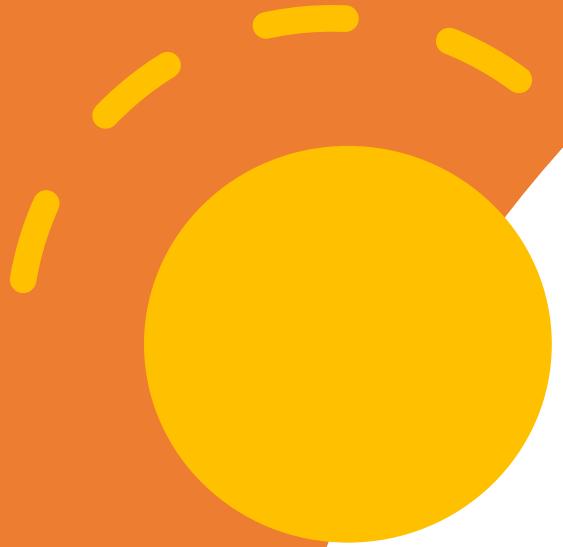
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- J-1 visas are for interns
  - Lack of experience
  - Short duration or rotation requirements
- H-2B visas are for work
  - Experience
  - Longer seasons
- Tip: Consider both!



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H-2B visas are one of the only immigration options that the current administration has demonstrated support for during the 1<sup>st</sup> term and over the past year



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# Understanding the H-2B Visa Process

# When to start your organization's H-2B visa petitions

Summer season needs (April 1 <sup>st</sup> -September 30 <sup>th</sup> start dates)	Winter season needs (October 1 <sup>st</sup> -March 31 <sup>st</sup> start dates)
September 15 <sup>th</sup>	March 15 <sup>th</sup>

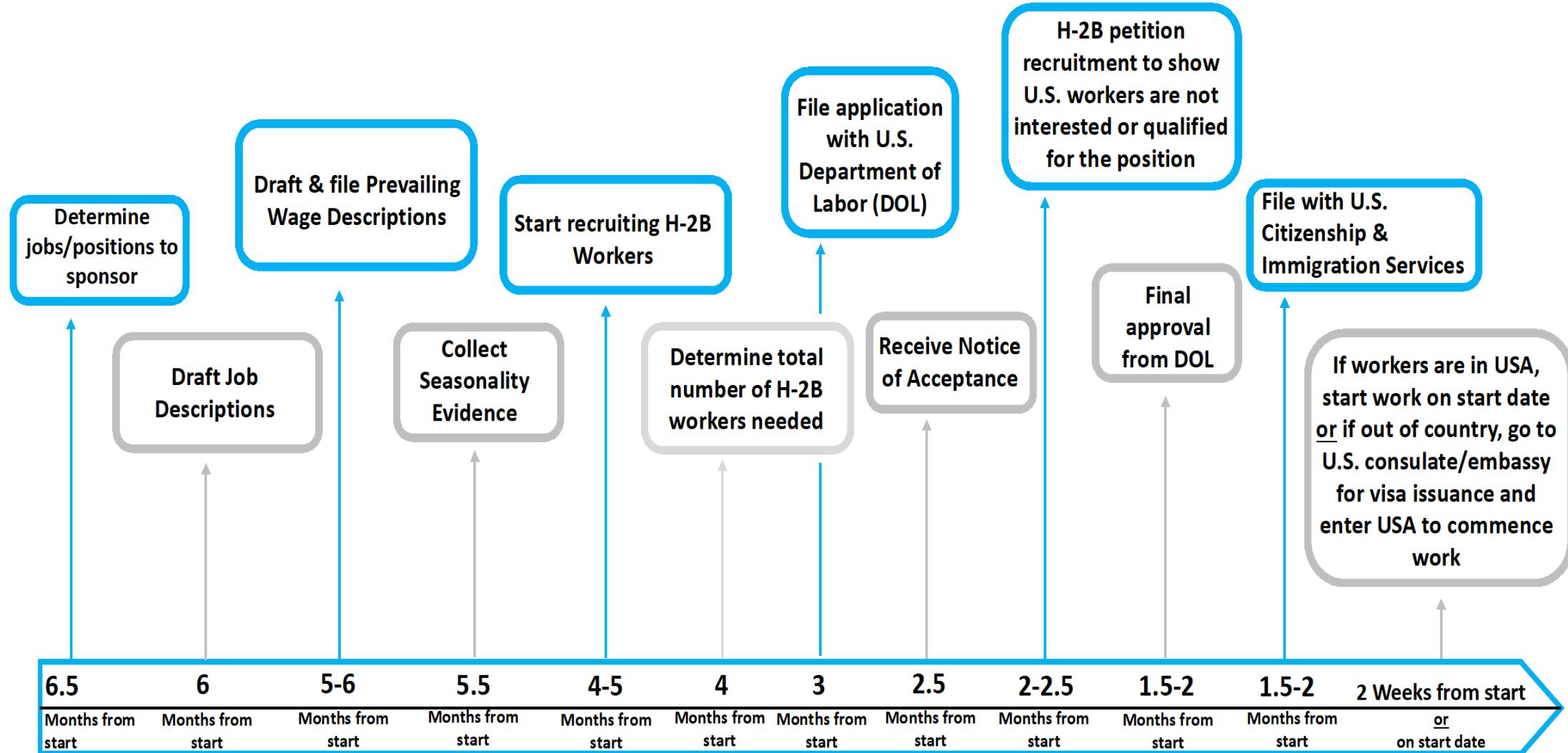


A photograph of a running track with a white starting line. Four starting blocks are visible, arranged in a staggered pattern along the line. The track surface is a reddish-brown color.

Why do you need to start  
so early?

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# Major Steps in the H-2B Process



# H-2B Employer Requirements

- Must treat Americans and H-2B visa workers in the same positions the same
- Prevailing Wage
- 35 hour per week minimum
  - $\frac{3}{4}$  payment rule
- Only housing is allowed to be charged to worker
  - Employer pays all other costs
- Travel expenses and work-related fees/costs
  - Inbound always
  - Outbound only if worker returning home **AND** worked whole season or was fired
- Compliance and retention mandates
  - This is a legal process!



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# Employee Housing Requirements



# Who qualifies?

Seasonal vs. peakload

Dual season

Need to show seasonality for 9 or 10 months of a year

- Doesn't need to be consecutive months

Government looks to see increase in:

- Revenue
- Expenses
- Staffing
- Contract labor and Overtime hours count



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Visa petitions have  
legal requirements  
and government  
oversight

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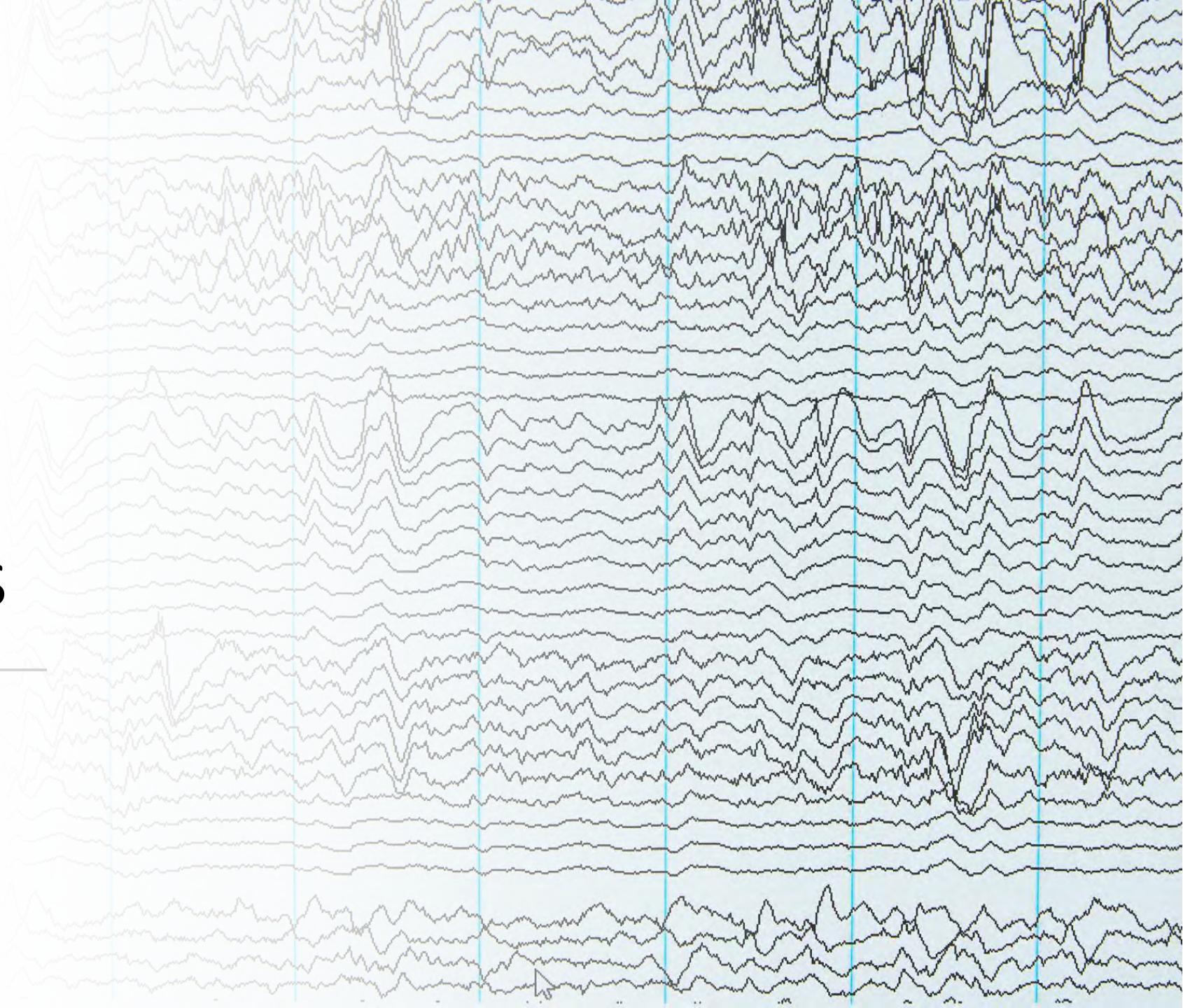


# Current Trends

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# 4 Biggest Issues Surrounding H-2B visas for all Employers



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Demand and its  
impacts on the  
Numerical Cap



Government  
Delays



Recruiting



Compliance



"Still the best seasonal  
staffing option"  
- Keith Pabian

# The H-2B Visa Supply and Demand Problem



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# How the H-2B visa cap works

- Government uses its October 1<sup>st</sup> fiscal year as the start
- 33,000 H-2B visas from October 1<sup>st</sup> through March 31<sup>st</sup>
- 33,000 H-2B visas from April 1<sup>st</sup> through September 30<sup>th</sup>
- So much more demand for summer-season, but winter-season is catching-up!
- Only applies to workers coming into USA from outside the USA
  - In-country workers do not count against the cap
  - Out-of-country cap exempt is also another way around the numerical cap

# Understanding the lottery



- **Only applies to April 1<sup>st</sup> and October 1<sup>st</sup> start date filings!**
- 33,000 for Group A
- 20,000 for each additional group
- Amount of groups depend on how many petitions filed
- This is done at the US Department of Labor
  - Cap is done at US Citizenship & Immigration Services

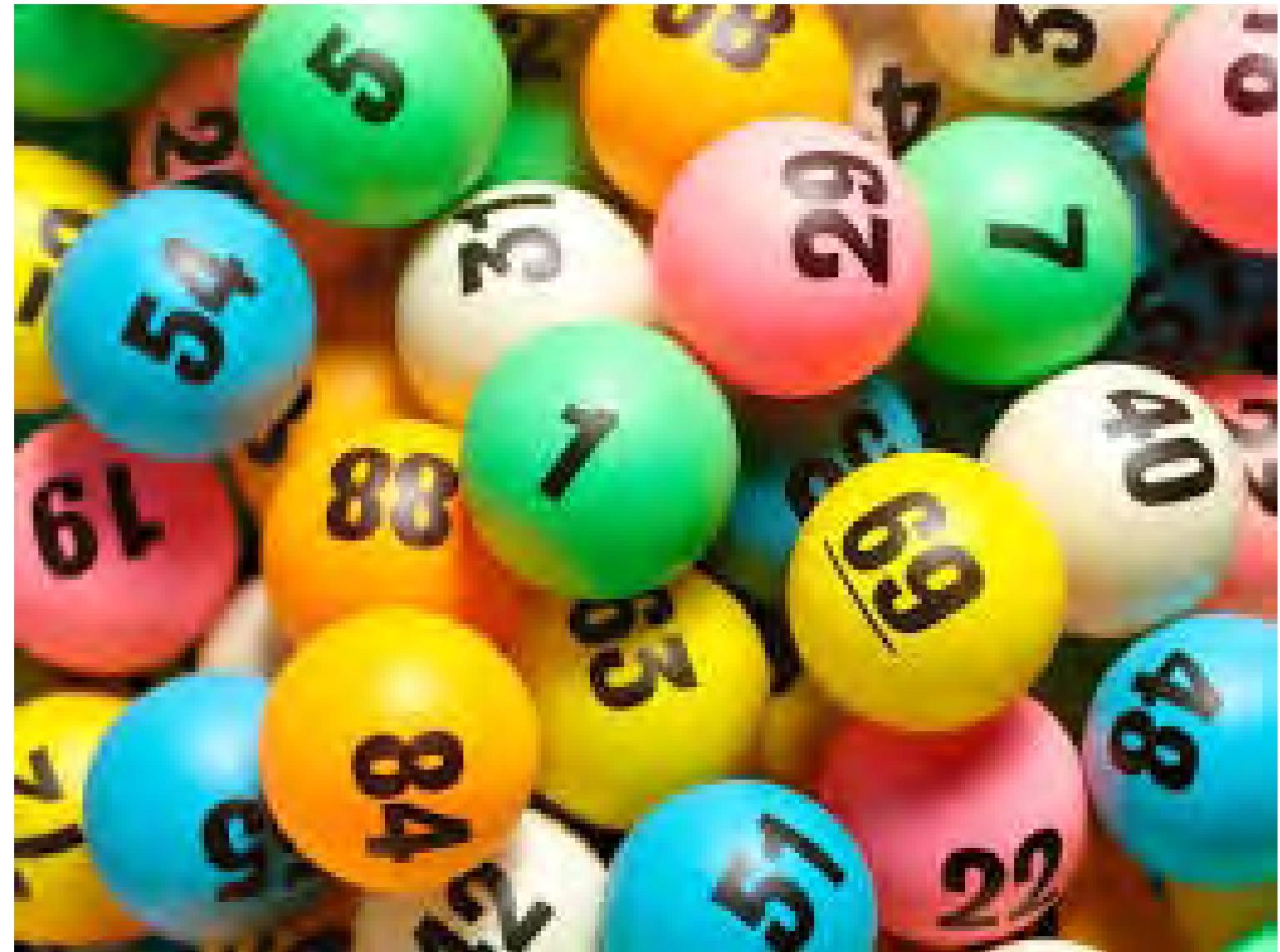


Is the lottery  
really random  
and can I  
improve my  
odds of  
success?

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# H-2B Visa Cap Relief

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- Called the Supplemental Cap
- The government usually adds extra out-of-country visas each year through the Appropriations Bill due to demand
- For 2026, extra visas are being added, but only about half of prior years
- Cap relief is never guaranteed!



# H-2B Cap Solution

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In-country transfers/extensions!!!!



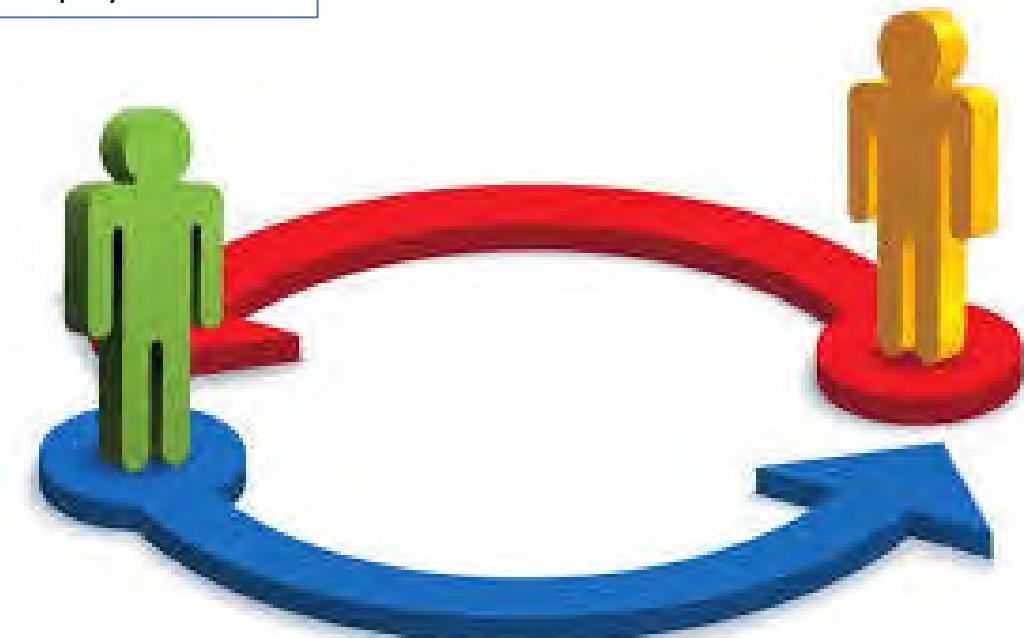
# Understanding In-Country Transfers



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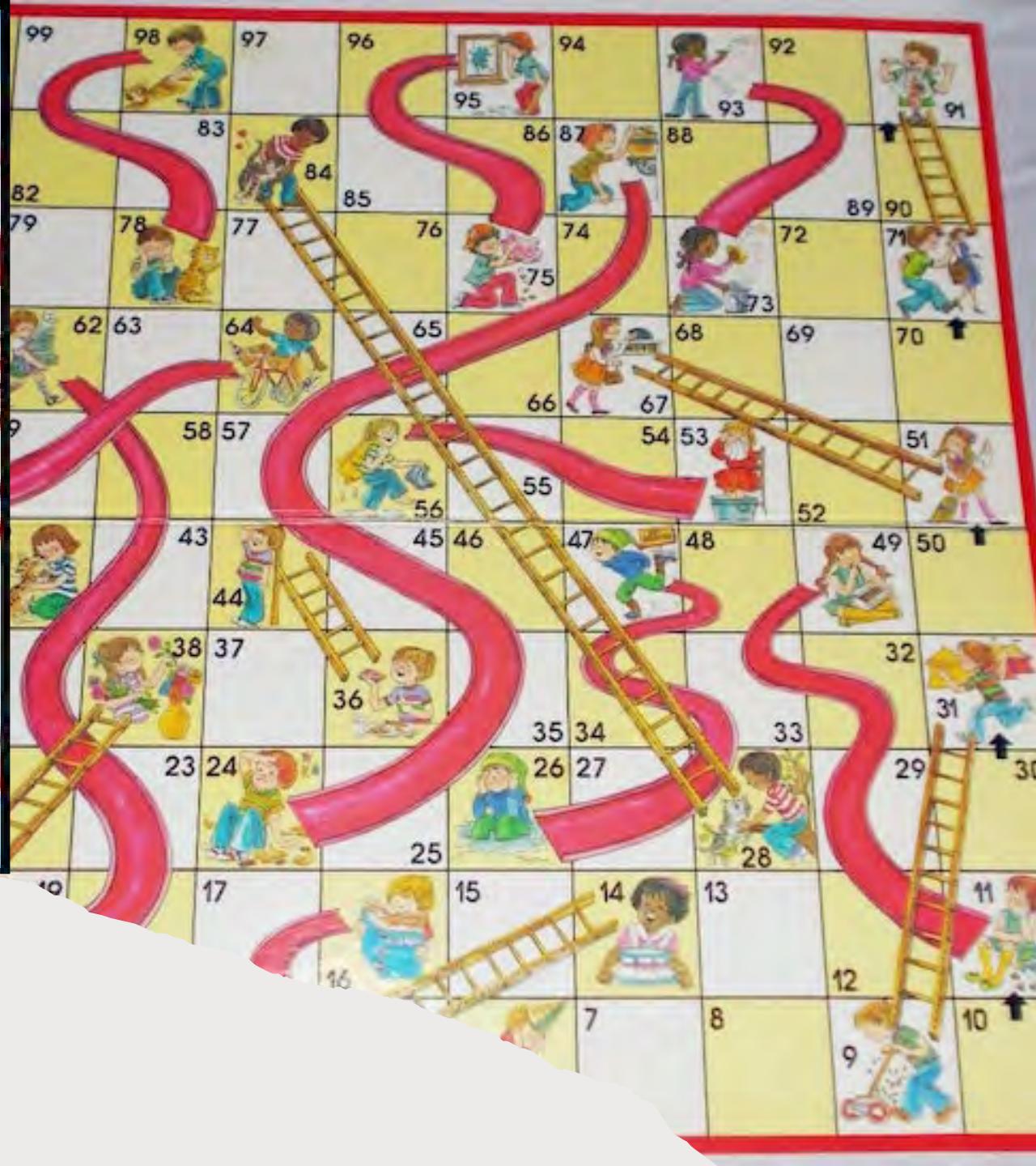
Winter season  
Example: November 1<sup>st</sup>-  
May 1<sup>st</sup> seasonal  
employment

Summer season  
Example: May 1<sup>st</sup>-  
November 1<sup>st</sup> seasonal  
employment



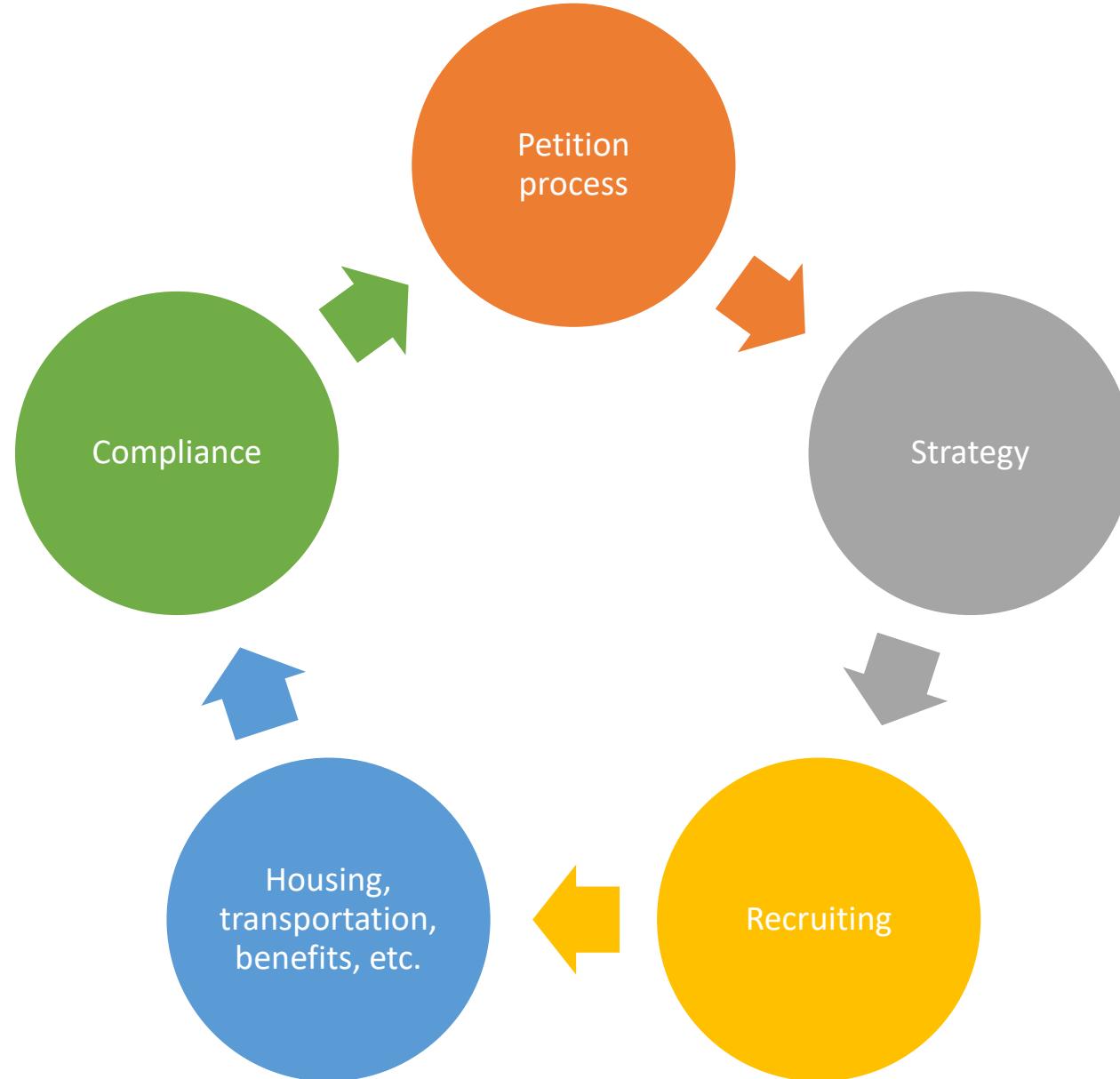
A photograph of a series of classical stone columns, likely made of marble, arranged in a row. The columns are fluted and have large, ornate bases. They stand on a polished floor with a visible grain. The lighting is dramatic, coming from the side, which highlights the texture of the stone and creates strong shadows. The background is slightly out of focus, drawing attention to the columns in the foreground.

# Future Cap Relief and Potential Legal & Legislative Changes



Navigating the H-2B visa process

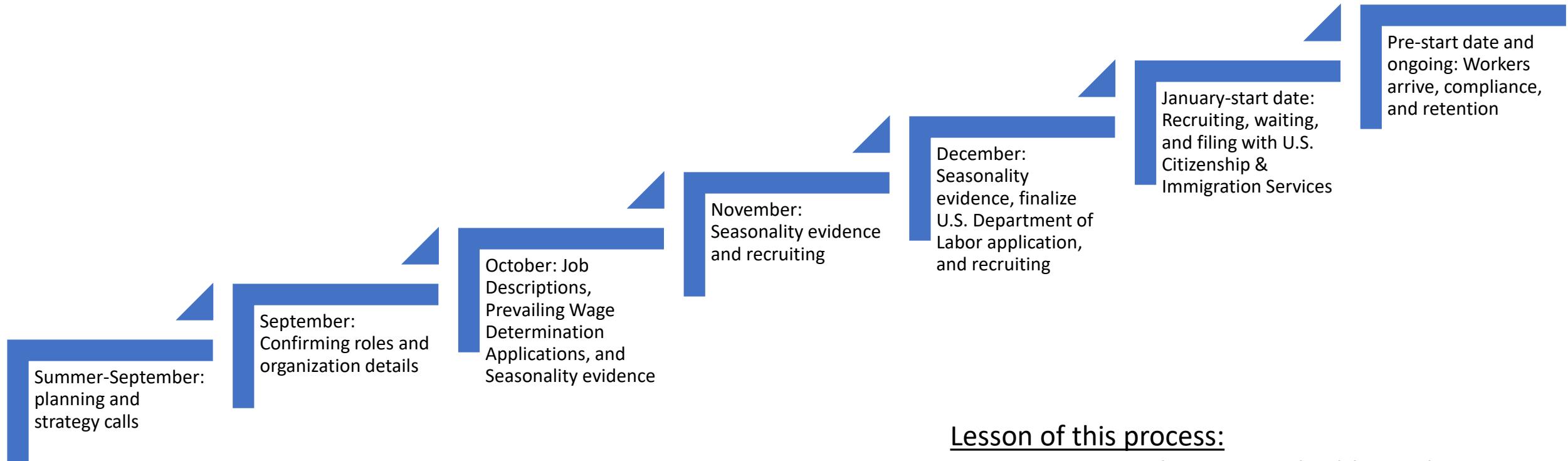
# The different aspects of the H-2B visa program



# The Petition process



# The H-2B Visa Process (Summer Season Filers)



## Lesson of this process:

- Every step in the process builds on the one before it
- It is impossible at various points to make changes and/or corrections

# Tips to manage the petition workflow

Focus on small steps/action items while understanding the big picture

Have a primary point of contact at your organization for the petition work

Deadlines Matter

Ask questions to understand the “why’s”

Read and review everything carefully

Weekly or bi-weekly calls

Use Pabian BOOM! for document uploads

# Strategy



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# Tips surrounding H-2B visa strategy

- Planning, and re-planning are integral!
- Hope for the best and plan for the worst
  - What happens if you receive poor lottery results (assuming you have a 4/1 start date)?
  - What if supplemental cap relief does not happen or looks different than expected?
    - Be VERY careful about relying on cap relief!
    - What if you cannot bring in workers from outside the country due to consulate/embassy issues?
- Data is key to success
  - Understand delays and options
  - When will workers be able to begin work?
  - What do you tell your workers during recruitment surrounding timing?
- Start recruiting now!



# Recruiting



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# Recruiting tips (from Seasonal Connect)

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- Don't put all of your recruiting eggs in one basket
  - Think of recruiting like a puzzle. There are many pieces you can use to find staff, including:
    - Seasonal Connect
    - Opposite-season recruiting partnerships
    - Job Boards
    - Recruiters
- Prioritize opposite-season recruiting partnerships
  - Keep building on an ongoing basis
  - Seasonal Connect can be a huge help with this initiative
  - Respond to partnership inquiries, even if you cannot be of help
  - Focus on dates of need, when workers will need to arrive & depart, providing feedback to one another, when to actively recruit
  - Helping your workers find opposite-season jobs will create incredible loyalty and help with retention
- Ask current and previous H-2B visa staff for referrals
- Retention is just as important as recruitment
- Evaluate your program every year
- Be transparent and honest with workers
  - Housing and daily transportation situation
  - Solicit feedback from the workers at the end of the season and work to implement changes
- Keep in touch with workers during your off-season
- Incorporate cultural events for your workers
- Explain the H-2B visa program to your domestic staff



Housing,  
transportation,  
benefits, etc.



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# Tips re. housing, transportation, benefits, etc.

- Outline offerings and policies during offer stage
  - Many clients attach information to the actual offers
- Think through offerings
  - Distance from housing to worksite
  - How will workers commute?
- Remember, we need to start the petition process 6 months before start date, even though some of these offerings might not be finalized
  - How do you handle housing charges on petition?
- Be honest, but market role during onboarding
- Remember to explain cost of living in relation to costs
- Provide clear guidance to workers on your expectations surrounding transportation to arrive for the season and departing
- Do you offer medical benefits?
- Learn from what others are doing!

# Compliance



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# Compliance tips

Honesty

Transparency

Trainings

Communication

Education

Be ready for government visits!



# H-2B visa success in today's world



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## What you can do to set your organization up for H-2B visa success

- Read what you are filing with the government
- Honesty and transparency
- Attend education
- Understand today's political climate and how it affects your organization
  - Don't put your head in the sand!
- Educate team members
  - Compliance
  - Process and how it affects their departments
    - For April 1<sup>st</sup> start dates, is the lottery truly random?
    - Why are some positions moving forward faster than others?
    - Dispelling rumors from other organizations
- Let Pabian Law know where you need further education (even if it is not legal focused)
- Pabian Law trainings (hint: most are complimentary for clients!)
- Caution surrounding recruiters
  - Conflicts of interest
  - Overpromises
  - Listening to them re. legal advice

# So, what makes a successful H-2B visa petitioner?

- Takes the time to work for success
- Collaborative
- Communicative
- Meets deadlines
- Asks questions
- Calls and/or emails when “stuck”
- Follows Pabian Law’s prompts regarding when it is time to take actions
- Strategizes, but is flexible when changes are needed
- Treats H-2B recruiting the same as American recruiting
- Attends education, and then trains team internally
- Senior team knows Pabian Law and partakes in strategy and some education
- Committed to providing great experience for workers

- Disengaged
- Goes long periods of time without communicating with us
- Sees the H-2B visa process as transactional
- Does not participate in Pabian Law’s weekly or bi-weekly calls post-U.S. Department of Labor filing (around January)
- Does not attend education or collaborative offerings
- Assumes H-2B workers will want to come work for them rather than invest time in recruiting
- Misses deadlines
- Does not communicate with Pabian Law when going on vacations
- Does not read/review documents
- Hides information from Pabian Law
- Listens to recruiters for legal advice/strategy
- Tries to steamroll and control the process, even on uncontrollable issues
- Assumes that the April 1<sup>st</sup> lottery is not random
- Refuses to accept that immigration process can change, resulting in refusal to change plans



H-2B visas (and immigration) can feel hard, but planning, strategy, and utilizing data provide real solutions



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The past 2 years have been one of the most successful H-2B visa periods for us with the least surprises that we've seen in years!



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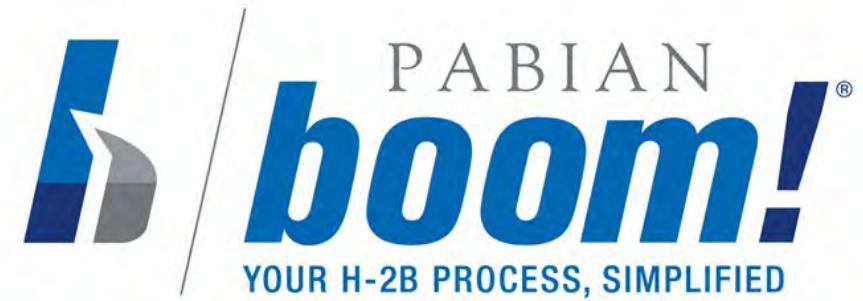
# Analyzing Data to understand the H-2B program & opportunities



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# H-2B Visa Tips & Best Practices

- Understand the rules and follow them
- Plan, plan, plan
- Communicate
- Use trends and strategy to set you up for success
- Meet deadlines during the petition process
- Ask the “why’s” & take the time to learn
- Annual planning calls/meetings
- Manager and supervisor trainings
- Train new people involved in the process
- Understand changes in laws and policies
- Provide opportunities for workers to stay in your “network” with opposite-season recruiting relationships



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# Keys to employer staffing successful over the next 4 years

Transparency & Honesty

Learning

Communication

Flexibility

Trainings

Use the right provider  
for immigration work

Diversify your  
international staffing

Consider expanding  
your H-2B visa program  
to protect against  
administration  
initiatives



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**PABIAN**  
**boom!**  
YOUR H-2B PROCESS, SIMPLIFIED

# When to start thinking about next season's process



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- Spring/Summer Start Dates
  - We start work in early to mid-September each year
- Fall/Winter Start Dates
  - We start work in mid-March each year
- H-2B Recruiting
  - Never ends!!!
- Making you aware of Pabian Law's capacity



# 2026 STAFFING SUMMIT



## PORTLAND, MAINE

**JULY 20, 2026**

**JULY 22, 2026**



### LEARN

Discover best practices for recruiting & staff management.



### NETWORK

Meet opposite-season recruiting partners to share staff during your offseasons.



### COLLABORATE

Find solutions to industry challenges & bring creative ideas back to your property.



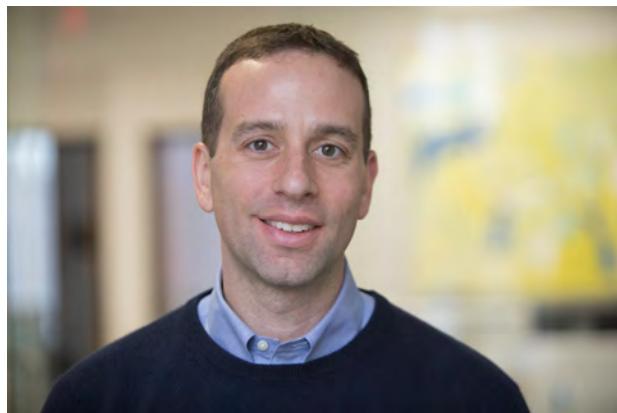
THANK YOU TO OUR HOST FOR 2026!

LAFAYETTE  
HOTELS  
MAINE & NEW HAMPSHIRE

More details to come. Kindly email  
[info@seasonalconnect.com](mailto:info@seasonalconnect.com)  
with any questions.



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## Questions?

**Keith Pabian**

**Pabian Law**

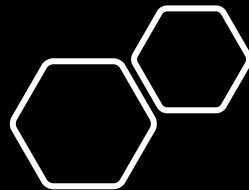
**Seasonal Connect**

**(617) 939-9444**

**keith@pabianlaw.com**

**www.pabianlaw.com**

**www.seasonalconnect.com**



# Understanding the Basics, Key Updates, and Latest Trends in the H-2B Visa Program

Keith Pabian, Founding Partner

Pabian Law

January 2026



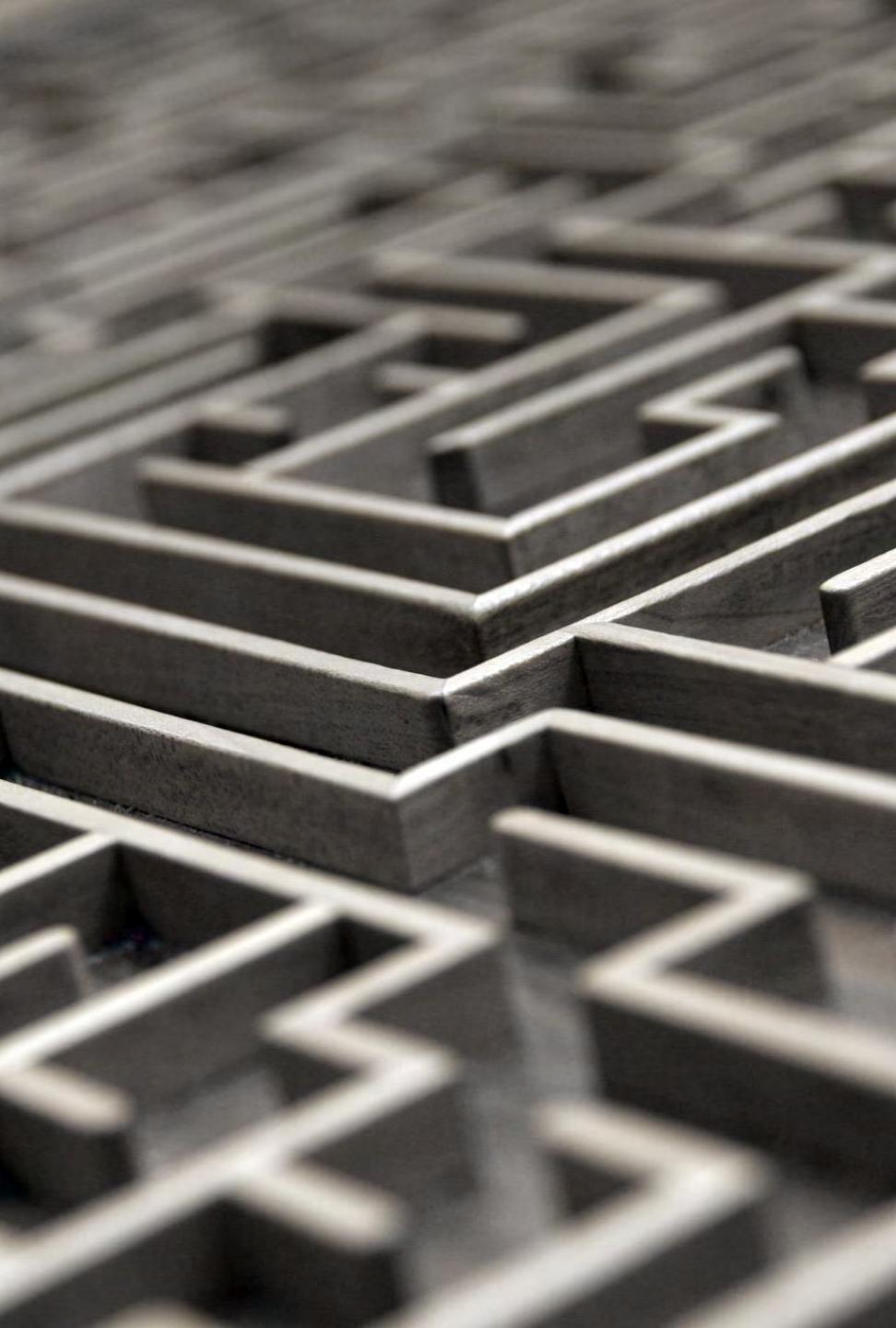
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H-2B VISA BASICS

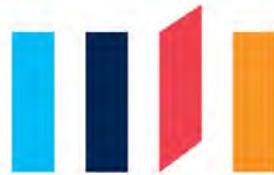
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KEY UPDATES & TRENDS

BEST PRACTICES & THE ROAD AHEAD

# Staffing Update (January 2026)

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**SEASONAL  
CONNECT**

Low unemployment

- 2.1% in South Dakota
- 4.4% nationally

Labor shortages and ongoing staffing struggles – especially for certain roles

Competition locally for limited workforce

Impacts from immigration changes - humanitarian, asylees, refugees, and undocumented workers leaving the workforce

Wage, benefit, schedule, and other impacts on turnover and retention

Employee experience

Remote workers

Finding the “right” worker

# What is an H-2B Visa?





# Employment-Based U.S. Immigration Options

- Seasonal options
  - J-1 visas
  - H-2B visas
- Year-round options (temporary visas)
  - Bachelor's degree required:
    - H-1B visas
    - H-1B1 and E-3 visas
  - Canadian or Mexican nationals + jobs list
    - TN visas
  - Extraordinary ability
    - O-1 visas
  - Multinational companies:
    - L-1 visas
  - Other options:
    - E, P, Q visas
- Year-round options (permanent)
  - U.S. Lawful Permanent Residency (Green Cards)

# What would be viable immigration options for:

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Line Cook

Housekeeper

Gate  
attendant

Front Desk  
Supervisor

Seasonal options

J-1 visas

H-2B visas

Year-round options (temporary visas)

**Bachelor's degree required:**

H-1B visas

H-1B1 and E-3 visas

**Canadian or Mexican nationals + jobs list**

TN visas

**Extraordinary ability**

O-1 visas

**Multinational companies:**

L-1 visas

**Other options:**

E, P, Q visas

Year-round options (permanent)

U.S. Lawful Permanent Residency (Green  
Cards)



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# Immigration Application Timelines

- H-2B visas – when we start petition work:

Summer season needs (April 1 <sup>st</sup> -September 30 <sup>th</sup> start dates)	Winter season needs (October 1 <sup>st</sup> -March 31 <sup>st</sup> start dates)
September 15 <sup>th</sup>	March 15 <sup>th</sup>

- TN, O-1, L-1 and country-specific visas
  - Work can start any time during the year
- H-1B year-round visas
  - Must file new applications in March (registrations)
  - Renewals and extensions can be filed at any time during the year
- Green card applications
  - Work can start any time during the year

# National trends above and beyond H-2B visas



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# Who comprises the hospitality & tourism workforce?

- American citizens
- International workers
  - J-1 visa holders
  - H-2B visa holders
  - Humanitarian statuses
    - Temporary Protected Status (TPS)
    - Humanitarian Parole
    - Asylees
    - Refugees
- U.S. Lawful Permanent Residents (Green Card holders)



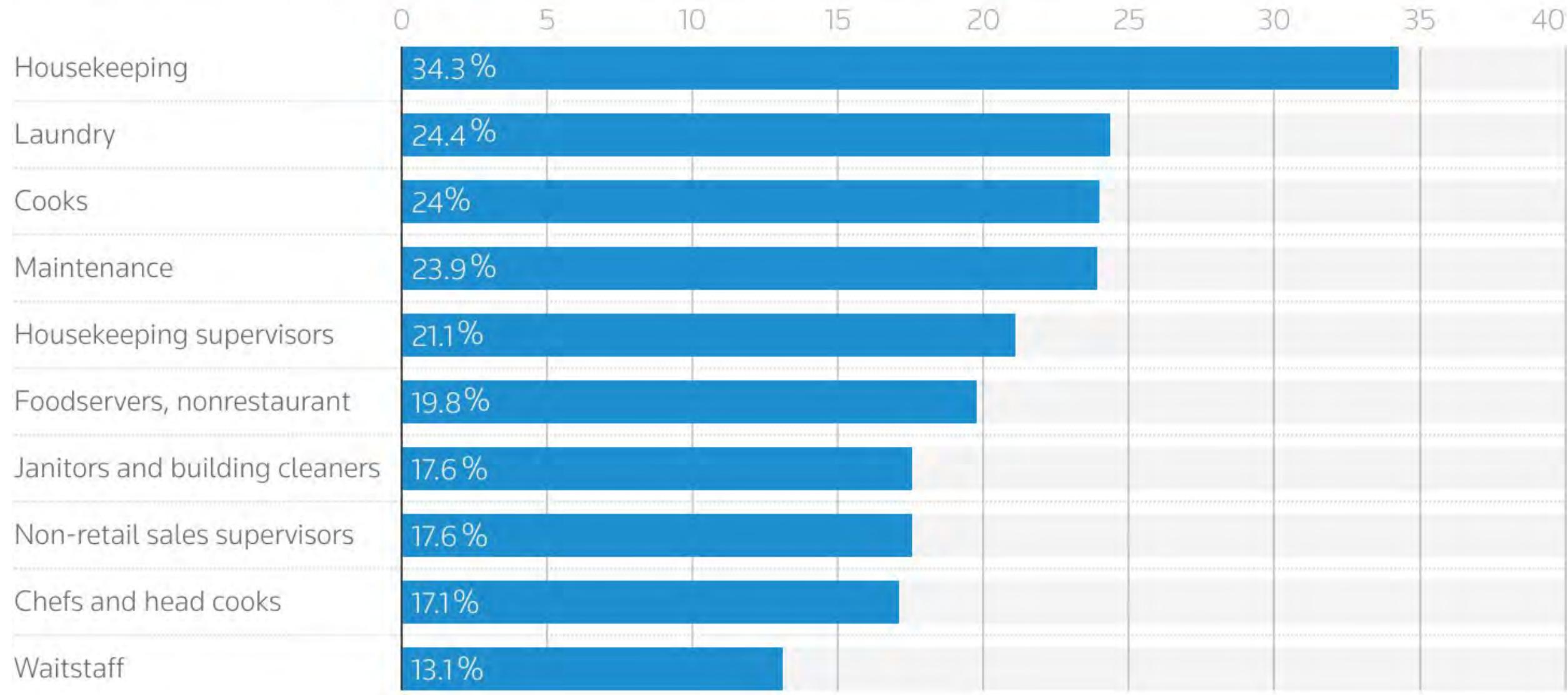


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We are currently experiencing the reshaping of immigrants in the United States (and our workforce)

# Non-U.S. Citizens' Share of Employment in the Hotel Industry



Note: As of 2023

Source: Tourism Economics, US Census Bureau (ACS) | By Aishwarya Jain

# Actions & impacts from the past 12 months

- For 1<sup>st</sup> time in over 50 years, 2025 had net negative immigration (more people left than entered the USA)
- Major cuts to humanitarian programs
  - Temporary Protected Status (TPS)
  - Humanitarian Parole
  - Refugees
  - Asylees
- Challenges for foreign nationals to enter the U.S. legally
- Crackdown on undocumented population
- Enhanced immigration enforcement nationwide
- Some countries' nationals are on a banned list
- More presidential immigration actions in the past 12 months than in the 1<sup>st</sup> term (and in the 1<sup>st</sup> term, a new immigration presidential action was issued about every 3 days)
  - Often, much public confusion after actions are announced



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# Understanding industry impacts



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## Summer-season organizations

- Often heavily reliant on J-1 visas
- Do anticipated J-1 visa workers already have appointments?
- Looking ahead to summer 2026 (H-2B visa work will start in mid-September)

## Winter-season organizations

- J-1 intern program
- Huge geographic pockets of TPS and CHNV Humanitarian Parole in workforce

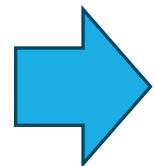
Lodging

Private clubs

Ski areas

Tourism

Others



Competition for less workers



# The results of these initiatives

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Not enough workers will be available to hospitality and tourism industries

Competition for workers from others in the industry and your area

Higher wages as you compete for workers

Due to fast actions with little to no notice, lack of planning and safeguards will leave organizations very vulnerable to staffing struggles

- Note: Reuters reported that in 2024, 71% of hotels had job openings that they were unable to fill

Inability to fully open and/or outlets within the property/organization



Why you can still rely  
on foreign national  
workers  
(if you understand the  
landscape)



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“As this Administration strengthens the nation’s southern border, enhances interior enforcement efforts, and promotes economic growth, employers will increasingly turn to legal pathways – most notably permanent and temporary employment visas... - as a vital option to obtain a timely, qualified, and stable workforce that can help their businesses grow and prosper.”

Memorandum from Lori Chavez-DeRemer, Secretary of Labor, “Establishment of the Office of Immigration Policy, and its Responsibilities, dated June 23, 2025 (and released on July 17, 2025)

# Employer-sponsored immigration options

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H-2B visas

O-1 visas

TN visas

H-1B visas

L-1 visas

Country specific  
visas (ex. H-1B1  
and E-3 visas)

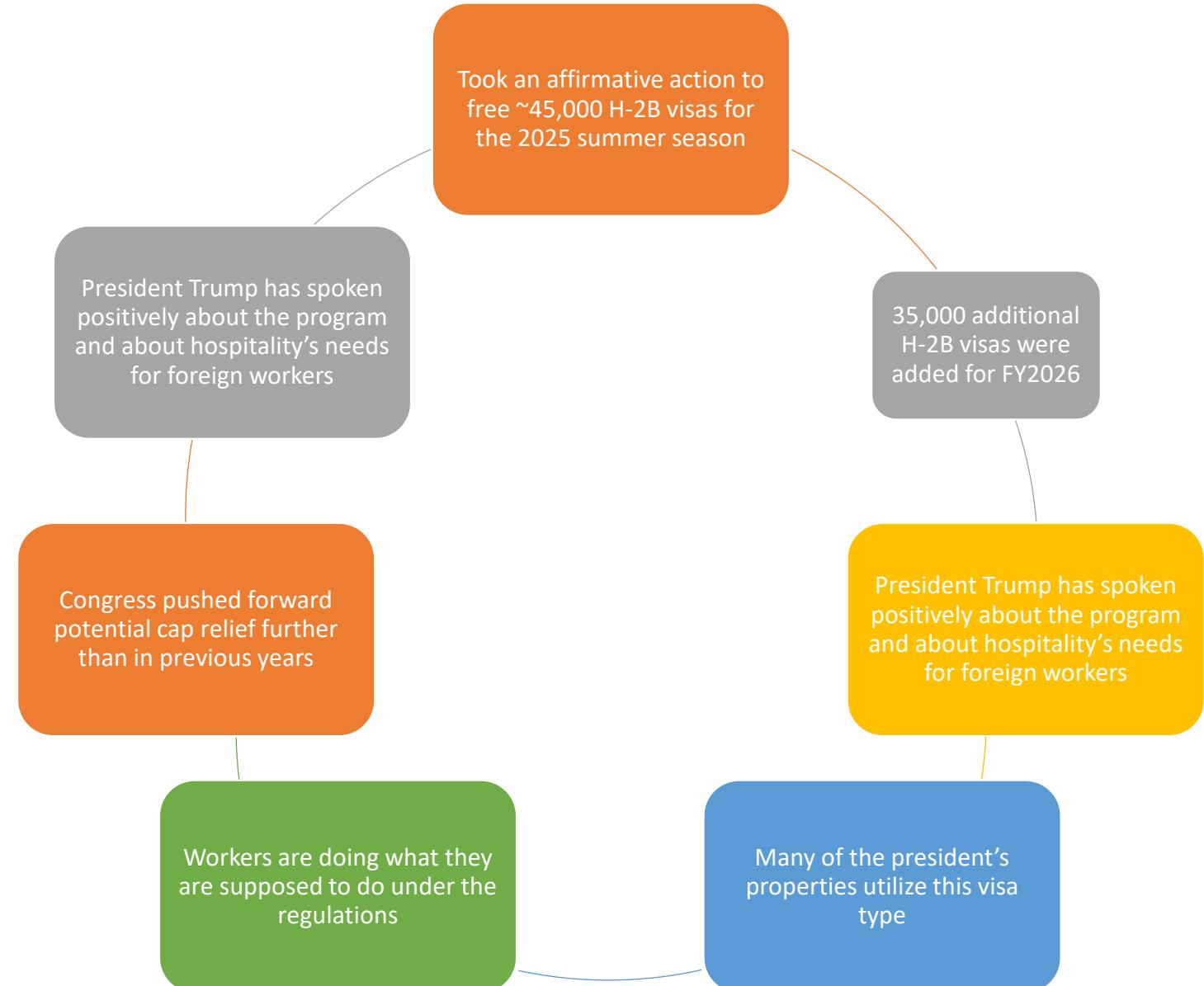
Green card  
applications (U.S.  
Lawful Permanent  
Residency)



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# The Administration continues to show support for the H-2B visa program



**H-2B visas are your safety net for foreign nationals for the next 3 years!!!**

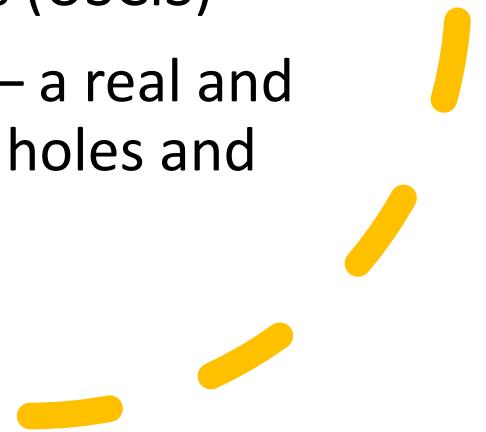
A large orange circle is positioned on the left side of the slide, covering approximately the top-left quadrant. It has a smooth, rounded edge and a uniform orange color.

We have  
seen the  
benefits of  
H-2B visas  
during other  
times!

- COVID-19
- Despite the borders being shut down and foreign nationals unable to enter the country, H-2B visas continued to be a great resource due to:
  - In-country transfers
  - The realization that this visa type was needed to support the US economy
  - Even cap relief was issued (other than in 2020)
  - Unaffected by long processing times at U.S. Citizenship & Immigration Services (USCIS)
- H-2B visas were – and continue to be – a real and great solution during times of staffing holes and immigration changes



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# H-2B visa trends



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# 4 Biggest Issues Surrounding H-2B visas for all Employers



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Demand and its  
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"Still the best seasonal  
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The past 2 years have been one of the most successful H-2B visa periods for us with the least surprises that we've seen in years!



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# Analyzing Data to understand the H-2B program & opportunities



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Most H-2B visa  
struggles center  
around trying to  
bring people in from  
outside the USA

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IN-COUNTRY H-2B VISA WORKERS  
SOLVE THESE ISSUES – A TRUE  
SOLUTION!



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# The importance of compliance



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signature  
date



# Can we or can't we???

- Your organization hired an H-2B Housekeeper
  - Can the Housekeeper assist with Banquet set-up?
  - Can the Housekeeper make \$30 per hour if the wage range on the petitions is from \$20-\$35 per hour?
  - Can we give the Housekeeper a holiday bonus?
  - Housing costs just jumped more than you anticipated. Can we raise the amount that the Housekeeper contributes to housing if this person consents?
  - What does your organization need to do if the Housekeeper leaves before the end of the season?
  - The Housekeeper wants to do some house cleaning for the General Manager at her home. The Housekeeper is excited to help. Is this allowed?
  - Can the Housekeeper work a 2<sup>nd</sup> job at night at a restaurant in town?
  - The Housekeeper just found out that there is a family emergency at home. Can they leave and return?
- How should you handle all of the above situations?



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The single biggest threat to your organization (and you) – compliance mandates when employing foreign nationals

- Increased focus on compliance by the current administration
- New H-2B visa rules
- Compliance was already a focus!

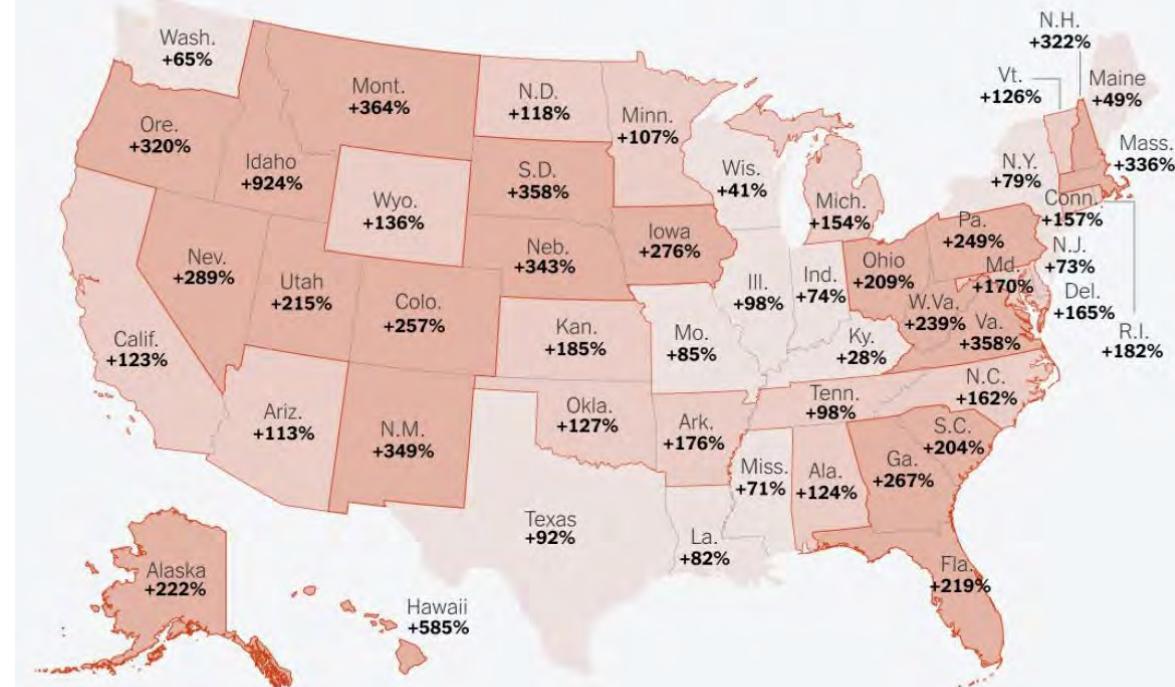
Immigration enforcement  
is only going to increase!



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# ICE Arrests Have Sharply Risen In Every State Since Trump Took Office

Arrests increased      Doubled      Tripled or more



Note: The map shows the change in daily average arrests from Jan. 20, when President Trump took office, through June 10, compared with the average daily rate in all of 2014.



# Specific enforcement measures likely to include:

- Increased audits of employers' Form I-9 employment eligibility verification practices
- Additional inspections by U.S. Citizenship & Immigration Services' (USCIS) Fraud Detection and National Security (FDNS) division
- U.S. Department of Labor audits
- Investigations of labor certification and labor condition application (LCA) compliance
- U.S. Department of Justice focus on immigration (criminal prosecutions)



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The December 17, 2024 H-2B Visa Modernization Rule!

## TAKEAWAYS OF THE NEW H-2B VISA RULE



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Specializing in Immigration Law for the Hospitality Industry

### THE GOOD NEWS

- **Creates longer grace periods** for H-2B workers to seek new employment, prepare for departure from U.S., or pursue change of immigration status.
- **H-2B portability will be permanent**, allowing in-country H-2B workers to begin work upon receipt of the change-of-employer petition by USCIS.
- **Three-year limit reset** changes time outside of the U.S. from 3 months to 60 days.
- **Filing of green card applications** will not cause automatic denials of H-2B visas/extensions.
- **H-2B eligible countries** list will be eliminated, allowing workers from any country to be eligible.

### DANGERS TO EMPLOYERS

- **Extremely heightened compliance measures**, including ensuring workers are not charged any prohibited fees, plus whistleblower protections and heightened consequences for violations.
- **Significant compliance mandates** - ***making it more critical than ever to use a lawyer*** to file H-2B visa petitions!

# The government is aware of common noncompliance issues:

## Questions asked during unannounced site visits

- The names of the H-2B workers
- Exact Start and End Date for each person
- Any breaks or gaps in employment for each person, with reason for breaks and gaps
  - This includes days off for vacation or sick leave
- Any changes in promised hours to H-2B employees (even on day). If so, please explain who, when, and reason.
- Any changes in pay for each person. This would include overtime. Please explain reason.
- Any changes in duties (even if one day) for each person. Please explain reason.
- Any changes in job location. This includes “Any” amount of time. Please explain reason.
- Has any changes been made in the petition? If so, when, what, why, and for whom? Was U.S. Citizenship & Immigration Services informed of the changes? When and how?

***How comfortable are you that your organization is compliant if faced with these questions?***



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Manager, Supervisor, and Foreign National Compliance

# What are workers allowed to do?

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- Hint: look at the Job Description!
- You control the rules of the road!



# The guts of the Job Description

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Specific job title

---

Correct legal entity name

---

Job duties

---

Experience requirement

---

Wages, overtime, and bonuses

---

Hours per week

---

Legally mandated language



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# Common compliance mistakes with H-2B visas

- Workers working in positions/roles/job duties that not approved to do
- Workers performing duties that were not disclosed in H-2B visa petition
- Combining roles for H-2B visa purposes (ex. Server/Bartender)
- Not considering potential wage increases when providing wage ranges in H-2B visa petition
- Not fully reviewing petition documents and applications and asking for changes too late in the process
- Not disclosing pre-employment drug tests and/or background checks
- Treating American workers and H-2B workers in the same roles differently and/or having different requirements and/or benefits



# Common compliance mistakes with H-2B visas (continued)

- Ensuring that experience requirements on H-2B job description match internal requirements and that they are the minimum requirement for the role
- Allowing workers to start work before the start date and/or before receive physical notice from U.S. Citizenship & Immigration Services (USCIS)
- Allowing workers to come late and/or leave early
- Staggering arrivals and departures of workers
- Failing to disclose early departures
- Not meeting hours requirements set forth in the H-2B visa petition
- Not training managers, supervisors, and H-2B visa workers to requirements of program
- Making changes before confirming with Pabian Law and HR that able to do so



# Where Managers and Supervisors hurt their organizations' H-2B visa processes

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- Assuming that the government will “fix” the cap relief problem
- Thinking that you can influence the lottery results for organizations with April 1<sup>st</sup> and October 1<sup>st</sup> start dates
- Trying to fit a square peg into a round hole
  - We need this worker and we can only have this worker
  - Setting up H-2B visa program to satisfy an individual worker rather than focus on the needs of the organization
  - Fudging organizational needs to apply for an April 1<sup>st</sup> or October 1<sup>st</sup> start date
- Not meeting deadlines
- Unrealistic asks for amount of workers on an H-2B visa petition
- Making promises without checking with Human Resources



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This often  
results  
in...non-  
compliance

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# Compliance tips

Honesty

Transparency

Trainings

Communication

Education

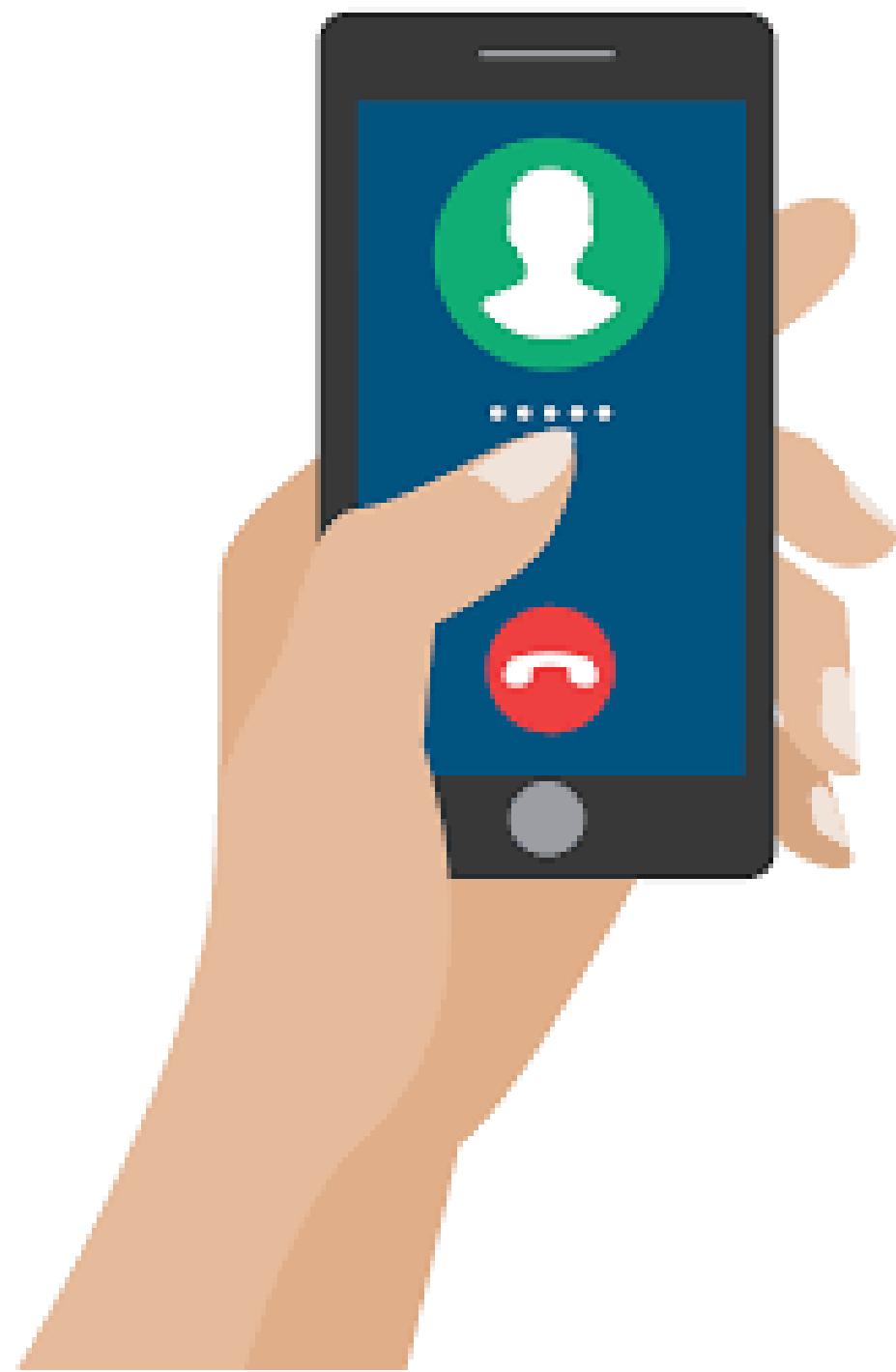
Be ready for government visits!





# The importance of providing a good work experience for your staff

- Key to retention, workers wanting to return for future seasons, and referring friends and colleagues
  - Reputation is everything
- There are more ways for a worker to report an employer than ever
  - USCIS Tip Form (<https://www.uscis.gov/report-fraud/uscis-tip-form>)
  - ICE Tip Line: 1-866-DHS-2-ICE
  - U.S. Department of Justice reporting
  - U.S. Department of Labor reporting
  - U.S. Department of Labor Wage & Hour Division Reporting
- And, enhanced whistleblower protections for those that report



# Orientation should include an H-2B visa Training annually

Managers

Anyone in a  
supervisory  
role

H-2B visa  
workers

But aren't H-2B visa workers trained before  
coming to the USA?



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Remember, even honest mistakes – and ones that benefit workers – can now lead to discretionary denials



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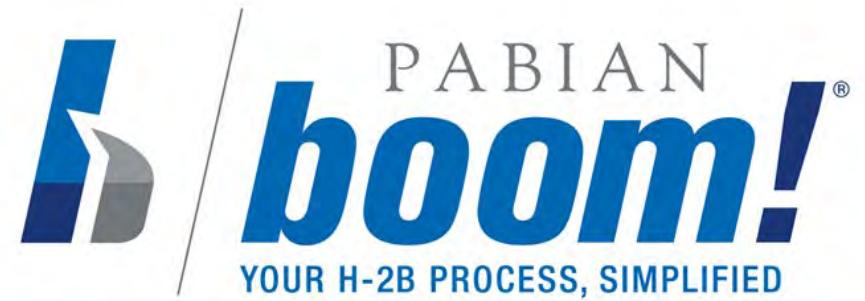
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# Tips and Best Practices



# H-2B Visa Tips & Best Practices

- Understand the rules and follow them
- Plan, plan, plan
- Be realistic with what is possible
- Communicate
- Use trends and strategy to set you up for success
- Meet deadlines during the petition process
- Ask the “why’s” & take the time to learn
- Annual planning calls/meetings
- Manager and supervisor trainings
- Train new people involved in the process
- Understand changes in laws and policies



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The incredible  
importance of working  
with the right provider  
(hint: it should be a law  
firm)

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Too many organizations  
are pretending/  
assuming/falsey  
hoping that things will  
not change



# Pabian Law's suggested path for staffing success in today's immigration environment

Keep using J-1 visas to the extent you can, if applicable

- Especially if use J-1 visas for slower times of year
- But, could consider long-season H-2B visas

Simultaneously, consider/move forward with/adding H-2B visa petitions for any roles where you would be unable to operate if the J-1 visa holders cannot come

- You can consider filing H-2B visa petitions as an insurance policy whereby you do not ultimately file them if not needed
- Make sure you are planning well ahead of time – we need to start H-2B visa processes 6 months before start date
- Look at opportunity costs - and lost revenue – when considering H-2B visa value

Consider adding more H-2B visa workers to existing petitions (example: adding 6 more Housekeepers to your H-2B visa petition) to roles where you also utilize J-1 visa holders

Understand the impacts of departures of TPS, Humanitarian Parole, and refugee workers

Do not rely on contract labor to fill holes

Look again at strategies to attract U.S. workers (and take a long-term approach)

Consider year-round options and green cards for managers and your core/integral staff members

Most importantly, understand your property's specific options, plan ahead, and ensure you are staffed appropriately

Do not forget about compliance!

# Keys to employer staffing successful in year ahead

Transparency & Honesty

Learning

Communication

Flexibility

Trainings

Use the right provider  
for immigration work

Diversify your  
international staffing

Consider expanding  
your H-2B visa program  
to protect against  
administration  
initiatives



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**PABIAN**  
**boom!**  
YOUR H-2B PROCESS, SIMPLIFIED

# When to start your organization's H-2B visa petitions

Summer season needs (April 1 <sup>st</sup> -September 30 <sup>th</sup> start dates)	Winter season needs (October 1 <sup>st</sup> -March 31 <sup>st</sup> start dates)
September 15 <sup>th</sup> !!!	March 15 <sup>th</sup> !!!

**Note:** H-2B visa demand is likely to increase to all-time high due to it being the ONLY safe staffing option for international seasonal staffing. Preparation and planning is more important than ever!



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# 2026 STAFFING SUMMIT



## PORTLAND, MAINE

**JULY 20, 2026**

**JULY 22, 2026**



### LEARN

Discover best practices for recruiting & staff management.



### NETWORK

Meet opposite-season recruiting partners to share staff during your offseasons.



### COLLABORATE

Find solutions to industry challenges & bring creative ideas back to your property.



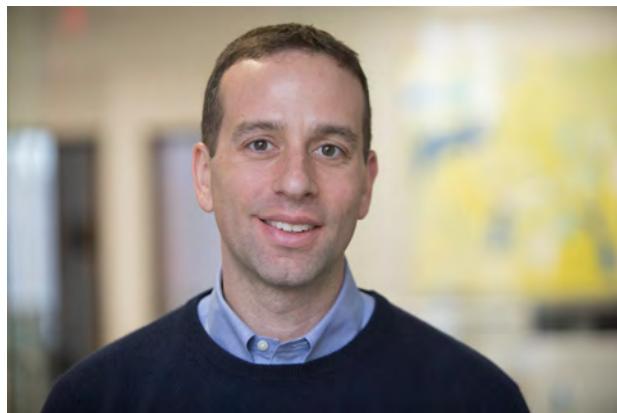
THANK YOU TO OUR HOST FOR 2026!

LAFAYETTE  
HOTELS  
MAINE & NEW HAMPSHIRE

More details to come. Kindly email  
**[info@seasonalconnect.com](mailto:info@seasonalconnect.com)**  
with any questions.



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## Questions?

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