



## **Season 5, Episode 4: Upcoming Considerations for Agricultural Visas**

**Rachel Beardsley**, Partner, Fragomen, discusses visa options, how the upcoming election could change this process, and shares advice to employers.

### ***Background***

Having a reliable labor source on the farm is nearly as important as swine health itself. The local labor force may not be able to supply producers with all the help they need, creating a viable option for international workers.

### ***Student Visas***

Many agricultural employers look to international students for a great pipeline of talent utilizing the F1 visa. Students are also able to obtain an internship visa, CPT (Curricular Practical Training) visa, that allows them to complete an internship during the semester or summer. After graduation, students can apply for work authorization under an OPT (Occupational Practical Training) visa. The OPT visa is valid for at least one year but can be extended for an additional 2 years if that student has a degree in science, technology, engineering, or mathematics.

### ***Types of Visas***

The most popular visas for agricultural workers are TN visas, H2 visas, and H1B visas. The TN visas are available to Canadian and Mexican nationalities in certain occupations that are science-based. H2 visas are for non-professional roles that are seasonal. Lastly, the H1B visas are for professional workers that apply to any nationality, require a bachelor's degree or higher, and are subject to an annual quota. Due to the strong economic conditions, there is a high demand for H1B visas. However, H1B visas only have a 25% selection rate.

### ***Green Cards***

To apply for a Green Card, there are a few employment-based options that must be met. For the national interest waiver category, the occupation that the applicant is applying for must be of national importance to the U.S., the applicant must have a bachelor's or master's degree and 5 years of experience, and it must be a substantial benefit to the U.S.

### ***Possible Visa Changes***

There might be some upcoming changes to visa applications due to the presidential election. If Ms. Harris is elected, the deference policy will likely be similar to the one under the Biden Administration. The Republican Administration has indicated that they are going to phase down or phase out the H2 visa program and make changes in the STEM programs.

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