



FEWA Newsletter

November 2008

President's Notes



Dear FEWA members,

America is at a crossroad related to YOUR work force. You have a great chance to shape the future of America and tell your grandchildren that you were plugged in and fought for your company to have labor to operate LEGALLY!

Don't give up on doing business the LEGAL H2B way. Yes, there are immediate pains and terrible situations facing many of you; keep trying to do it the legal way!

You can read more about what is happening in Washington DC, in your states, and in your business, [here](#).

All H2B employers that do snow and ice management/removal are encouraged to file for two seasons; and therefore, have your best workers work in snow and ice removal this winter to make them available for the spring, summer and fall of 2009 regardless of the H2B cap. Contact your [FEWA guide](#) for more information.

Finally, instead of helping you, the hard working small business people of America; the Federal Government has now raised the fines for hiring (illegals) undocumented workers to a maximum of \$12,500 per worker and implemented penalties that could include at least six months in jail. Read more [here](#).

I wish I had better news, but I am glad to bring you the facts that could have a huge impact on YOUR business and way of life.

Working hard for you,

Scott Evans

What is Your 2009 H-2B Strategy?

Don't give up on doing it the legal way!!

Please remember that filing with the Department of Labor needs to begin exactly 120 days prior to the date of your need. FEWA has continuously worked with the Federal Government to ensure FEWA Members get under the H-2B cap with various programs.

The US Department of Labor indicated at the National Stakeholder Briefing in May 2007 that it is possible to have two separate and distinct temporary needs for separate occupations. An employer must meet its burden of proof in establishing that a temporary seasonal need for workers exists to perform the services or labor by submitting evidence/documentation that supports the chosen standard of need under the regulations (i.e. one-time occurrence, seasonal, peak load, or intermittent)

Every employer has to have contingency plans and those with good scenario planning will survive and thrive. Get a four month jump start with your application process for your 2009 seasonal need this winter. Contact your [FEWA Guide](#) now to find out how!

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Homepage!

www.fewaglobal.org

FEWA 5th Annual H2B Summit February 6-9, 2008

If you missed this year's H2B Summit, here's a quick summary of what you missed.

Steve Genders with Keesen Enterprises, Inc. (CO) states, "Every member needs to attend. The networking is great and this is something you can't get anywhere else. You get to talk to other people and ask them what works for them and what doesn't."



FEWA is proud to announce that [Shawn McBurney](#), Sr. Vice President Government Affairs for the American Hotel and Lodging Association received the 2007 FEWA H2B Legislative Champion Award for extraordinary advocacy on behalf of the H2B Guest Worker Program. Shawn shared his first-hand knowledge on what is really going on inside the beltway.

The 2007 FEWA Immigration Legislative Champion was awarded to [Tamar Jacoby](#), President/CEO of Immigration Works USA. Tamar is the leading conservative voice in favor of immigration reform and works behind the scenes in Washington, DC to help develop immigration policy.



Rita Romero received the FEWA Hall of Fame Award for her twelve years of dedication to the H2B community. Rita is considered by many members of the H2B community as one of the top H2B knowledge bases. Rita has been involved with more H2B applications than any person. She was presented the award by Mike Gilsdorf, president of Arapahoe Acres

& FEWA Charter member.

Download the [presentations](#) or the [document package](#).

FEWA PAC



The FEWA Political Action Committee is dedicated to the identification, recruitment, and/or support of candidates who have taken positions in support of FEWA legislative priorities.

What your FEWA - PAC does for YOU!

- Help elect congressional candidates who will listen to our concerns
- Gain access to key legislators
- Support FEWA campaigns, such as contacting legislators and holding in-district

meetings

For information on contributing to the FEWA PAC, visit
www.fewaglobal.org/pac.php

FEWA PAC Sponsored Luncheon a Success



FEWA PAC staff and volunteer members met with key members of Congress to fight for H2B relief. Senator Mikulski has been the leader of the Congressional H2B working group and the author of Senate bill ([S.988](#)) that would allow returning workers to be exempt from the H2B cap.

Senator Mikulski expressed that the fight for H2B cap relief is now in the House.

She has previously passed the bill in the Senate and can rally the votes to make relief possible.

The current push is for Congress to simply pass a measure to change the original H2B legislative relief to the current dates of need for the employers. This would allow for a clean extension of the H2B returning worker exemption and allow H2B employers to stay in business until Congress can address the greater Comprehensive Immigration Reform.

Involvement and action from FEWA members and the greater H2B user community can make the H2B legislation a reality!

Processing Corner



by Jarrod Sharp

The reports are starting to come in, and overwhelmingly FEWA members are having better success processing this year than last. The hard work done last year with the Department of State in Washington D.C. and abroad has resulted in increased efficiency in many of the processes relating to scheduling at US Consulates. The current approval rate for FEWA members is over **90%** and in many instances appointments are confirmed within **1 week**.

I remind all members that in the event you have a worker that is denied a visa, do not despair. You may request an appointment and substitute another applicant for the denied applicant. If you would like more information, or have questions relating to a substitution, feel free to contact me or your FEWA Guide. Also, review your Member E-Guide Book as there are a variety of processing related sections that will be helpful at this juncture in the season.

How to Inform Your Workers of the Cap

The H2B returning worker exemption language is being held up by House Speaker [Nancy Pelosi](#) and the Hispanic Caucus. Many people know this, but the FEWA worker members who are being hurt do not. H2B workers in Mexico and South America do not know who is hurting them. It is time Pelosi and the Hispanic Caucus are called to answer why they are depriving H2B workers of their livelihoods. Click [here](#) for a flyer in Spanish that can be emailed, printed and posted.

Send this to your H2B workers who are still in Mexico and South America and tell them

to do the same.

H2B WORKERS MUST KNOW WHO IS HURTING THEM.

Send it to Mexican papers and papers in the US. Send it to everyone. Make Pelosi and the Hispanic Caucus answer for their actions.

New Allied Affiliate Association



ImmigrationWorks is the latest Allied Affiliate to team up with FEWA. ImmigrationWorks is a federation of state-based pro-immigration business coalitions from across America and links a dozen states including TX, AZ, VA, OR, and CO.

You can sign up to be a member of Immigration works as well as indicate your preferences for mailings and action alerts by visiting their [website](#).

U.S. Territories Report

In preparation for the second half of the CAP closing, your FEWA staff conducted an analysis of which U.S. Territories would be best to recruit workers to come to the U.S. (read the report [here](#)). In most territories, the workers are already U.S. citizens and therefore do not need a visa to travel and work in the United States.

The analysis showed recruiting efforts should be concentrated on Puerto Rico. FEWA has set up a support network for getting information into the hands of interested members. FEWA will continue to develop a presence in Puerto Rico and will continue to work with interested members.

FAQ's & Discussion of "Unused Visas"



by Wesley Mathis, Staff Attorney

In the wake of the H2B cap crisis, employers want to know how to get their workers here legally. The following FAQs address the situation.

1) Can I bring my business associate's workers to the U.S. on my petition?

It depends. Yes - if they will work for you and only you in accord with the terms of your approved labor certification and USCIS petition. No - if you are bringing them so that they can work for your associate (even if you are not accepting payment of any kind). Best practice would be to avoid this altogether.

2) What if my associate files a petition to transfer the workers to his company after I bring them in?

Even if he has an approved labor certification and files a petition on behalf of the workers, there could be problems. The government could impose penalties and fines against you and the petitioning company.

3) Why would the government do that?

Because they can argue that you had no intention of employing the workers you

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petitioned for, and that the workers had no intention of working for you. The government often focuses on intent of the parties in deciding issues related to immigration fraud.

For more information, click [here](#).

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