

Welcome
Maine Potato Growers
and Guests

MAINE

DEPARTMENT OF

LABOR

H-2A Program Overview

What Is The H-2A Program?

- Authorized under the [U.S. Immigration and Nationality Act](#) (INA)

The H-2A Temporary Labor Certification Program:

- Agricultural employers
- Shortage of domestic workers
- Initially recruiting local/domestic workers
- Non-immigrant foreign workers, if necessary
- To perform agricultural labor or services
- Temporary or seasonal

www.flag.dol.gov/programs/h-2a

Who Can Participate?

1. U.S. employer
2. With full-time work
3. Performed on temporary or seasonal basis

General Eligibility Guidelines

- Located in the United States
- Have an FEIN
- Supervise the workers you employ
- The work must be full-time
- Work must be agricultural labor, or services
- Work must be seasonal or temporary in nature

The H-2A Temporary Labor Certification Process Overview

- **Step 1**: File H-2A App. with the Chicago National Processing Ctr.
- **Step 2**: Create an employer account on Maine JobLink
- **Step 3**: Activate your Maine JobLink account
- **Step 4**: Conduct recruitment for U.S. workers
- **Step 5**: Complete pre-occupancy housing inspection
- **Step 6**: Complete the Temporary Labor Certification process

Step 1: File Your H-2A Application With The NPC

What: Submit application online with the U.S. DOL to their Office of Foreign Labor Certification's Nation Processing Center (NPC)

When: No less than 45 days before the start date of work

How: Create your employer account and submit application at: <https://flag.dol.gov/>

Step 2: Create Your Employer Account on MJL

What:

- 1.) Go to the Maine JobLink (MJL) website
- 2.) Create your employer account

When: Concurrently with your account on the FLAG website.

How: Create your MJL employer account at:
<https://joblink.maine.gov/>

Step 3: Activate Your Employer Account on Maine JobLink

What: Contact the MJL team directly.

When: After your MJL account has been created.

How: Please call us at **207-623-7967**, or

Email us at **JobLink@maine.gov**

Step 4: Conduct Recruitment For U.S. Workers

What: Your independent search for U.S. workers

When: From NOA receipt date, until completion of all recruitment steps

How: See the [U.S. DOL Employer Guide to Participation in the H-2A Temporary Agricultural Program](#) (pp. 8-11)

Step 5: Pre-Occupancy Housing Inspection

What: Onsite, checklist-driven inspection of housing facilities provided to H-2A workers

- Prior to April 3, 1980: Employment and Training Administration (ETA) **Code of Federal Regulations**
- After April 3, 1980: **Occupational Safety and Health Administration (OSHA) standards**

When: After NOA receipt date and 32 calendar days prior to the work start date

How: Email Maine.H2A-H2B@maine.gov to schedule your Inspection.

Step 6: Complete Temporary Labor Certification Process

What: Submit additional documents to Chicago National Processing Center:

- 1.) Recruitment Report
- 2.) SWA Housing Certification
- 3.) Workers' Compensation Coverage

When: No less than 30 calendar days before the start date of work

How: See the [U.S. DOL Employer Guide to Participation in the H-2A Temporary Agricultural Program](#) and submit documents at: <https://flag.dol.gov/>

Congratulations!

You are ready to file with the
U.S. Citizenship and Immigration
Services!

How: Forms and instructions for filing, as well as current processing times for H-2A visas can be obtained from the USCIS web site at:

<http://www.uscis.gov>

Additional H-2A Resources

- [Frequently Asked Questions \(FAQs\)](#)
- [H-2A Final Rule Factsheet](#)
- [H-2A Employer Filing Tips](#)
- [H-2A Program Improvements](#)
- [CNPC Updates November, 2019](#)
- [ETA-OFLC H-2A Rule Briefing Presentation 2010 \(ppt\)](#)
- [H-2A Final Rule Public Rollout WHD 2010](#)
- [IRS Guidance on Withholding Tax Requirements for H-2A Workers](#)
- [H-2A Employer Handbook](#)
- [Maine Foreign Labor Program Email: \[Maine.H2A-H2B@maine.gov\]\(mailto:Maine.H2A-H2B@maine.gov\)](#)

**Thank you for your interest
in the Maine
H-2A program.**