



Temporary Foreign Worker Program – Employer Groups

A Program Comparison and Analysis

of US and Canadian TFW Programs

Prepared for the BC Fruit
Growers' Association
February 16, 2023

Mike Wallis, M.Sc., P.Ag.



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

The following report reflects culminated information sourced from the U.S. and Canadian, Federal, State, Provincial Government, and NGO websites. The report benefits from information provided by the foreign Consular Services of Mexico, Jamaica, and other industry stakeholders affiliated with, or directly involved with immigration policy programs in their respective countries, but the responsibility for any analysis and conclusions, as well as any errors or omissions, remains with the author.

The author brings 20 years of dedicated experience working with Canadian immigration programs and was previously licensed as a Canadian Registered Immigration Consultant. The BCFGA's aim is to gather information and report on the potential for a pilot project for TFW Employer Groups.



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4



Executive Summary

- Over decades, the Seasonal Agricultural Worker Program (SAWP) in Canada, and the H-2A Temporary Agricultural Worker Program (H-2A) in the United States have proven to be an integral and critical source of employment for temporary foreign workers (TFWs) and support to producers of primary agricultural products.
- The H-2A offers a broader range of “Nature of Employer” options compared to the Single Employer-Specific Model of the current SWAP Labour Market Impact Assessment (LMIA). See the comparison of two managed migration systems for reference (pg. 34 & 38).
- The Single-Employer-Specific model has additional costs that are barriers for the participation of small SAWP farm employers. The additional costs include producer-provided housing and transportation to and from the source country.
- The Single Employer-Specific Model utilized under SAWP limits the ability of smaller producers to transfer workers. This also limits the workers’ options for mobility between SAWP employers.
- Expanding the definition of employer in the SAWP LMIA adds considerable flexibility to the range of employers able to participate in SAWP and facilitates worker mobility.

Table of Contents

Definitions	5
Acronyms	7
Introduction.....	9
SAWP	11
H-2A Temporary Agriculture Worker Program.....	14
Movement of Canadian TFW Workers Between Employees is a Hurdle for Small Employers in the Agriculture Sector	17
Employer Groups Enabled in the U.S. H2-A Program Eliminates the Requirement of Inter-farm Transfer Approval.....	18
Contrasting Two Managed Migration Systems.....	20
Role of Participating Countries.....	23
Moving Forward	27
SAWP Employer Group Pilot Project.....	29
Table 1. SAWP vs. H-2A Fee Schedule.....	31
Figure 1. H-2A Application Process Flow Chart.....	32
Figure 2. SAWP Application Process Flow Chart	33
Appendix. H-2A – SAWP Comparison At A Glance	34

See “Key Points summaries at the bottom of each section



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

Definitions

Adverse Effect Wage Rate (AEWR): Refers to the wage rate published by the Office of Foreign Labor Certification (OFLC) Administrator in the Federal Register for non-range occupation outlined in the 655.120(b) and range occupations outlined in 655.211(c).

Agent: An agent is a legal entity or person, such as an association of agricultural employers or an association that is:

- 1) Authorized to act on behalf of the employer for temporary agricultural labor certification purposes;
- 2) Not itself an Employer or Joint Employer as defined in this subpart with respect to a specific application;
- 3) Is not under suspension, debarment, expulsion, or disbarment from practice before any court, the department, the executive office for immigration review, or Department of Homeland Security (DHS) under 8 Code of Federal Regulations (CFR) 292.3 or 1003.101

H-2A Labor Contractor (H-2ALC): Any person who meets the definition of employer under this subpart and is not a fixed-site employer, an agricultural association, or an employee of a fixed-Site employer. An H-2ALC is also not a part of an agricultural association that recruits, solicits, hires, employs, furnishes, houses, or transports any worker subject to 8 U.S.C 1188, 29 CFR part 501, or this subpart.

H-2A Worker: Any temporary foreign worker who is lawfully present in the U.S. and is authorized by the DHA to perform agricultural labor services for during a temporary/seasonal contract according to 8 USC 1101(a)(15)(H)(ii)(a) as amended.

Job Order: A document regarding the materials terms and conditions of employment that is posted by the State Workers Agency (SWA) on its inter- and intra-state job clearance systems based on [Form ETA-790](#).

Joint Employer: Where two or more employers each have sufficient definitional jurisdiction of being an Employer and Partner to employ workers together.

Master Application: An Application for Temporary Employment Certification to be filed by an association of agricultural producers as a joint employer with its employer-members. A master application must cover the same occupations or comparable agricultural employment, the start date of need for all employer-members listed on the application, and may cover multiple areas of intended employment within a single State but no more than two contiguous locations.

Temporary or Seasonal Nature: Employment is seasonal, tied to a certain time of year by an event or pattern, such as a short annual growing cycle or a specific aspect of a longer cycle and requires labor levels far above those necessary for ongoing operations. Employment is temporary where the employer's need to fill the position with a temporary worker will, except in extraordinary circumstances, last no longer than one year.

Acronyms

- AEWR** – Adverse Effective Wage Rate
AMSSA – Affiliation of Multicultural Societies and Service Agencies of BC
AOWL – Agriculture Online Wage Library
BCAC – British Columbia Agriculture Council
BLS – Bureau of Labor Statistics
CC – Commonwealth Caribbean
CFR – Code of Federal Regulations
CGJ – Consulate General of Jamaica
CO – Certifying Officer
DSH – Department of Homeland Security
DOL – Department of Labor
ESDC – Employment and Social Development Canada
FARMS – Foreign Agricultural Resource Management Services
FEIN – Federal Employer Identification Number
FLAG – Foreign Labor Application Gateway
H-2A – Temporary Agricultural Non-immigrant Worker Program
INA – Immigration and Nationality Act
ISB – Integrity Service Branch
IRCC – Immigration, Refugees and Citizenship Canada
JLS – Jamaican Liaison Service
LMIA – Labor Market Impact Assessment
MSP – Medical Service Plan for British Columbia
MOSAIC – Multilingual Orientation Service Association for Immigrant Communities
MSPA – Migrant and Seasonal Agricultural Worker Protection Act
NAICS – North American Industry Classification System
NOC – National Occupational Classification
- 84 Workers in Natural Resources, Agriculture and Related Production
 - 0821 -Managers in Agriculture
 - 0822 – Managers in Horticulture
 - 8252 – Agriculture Service Contractors, Farm Supervisors, Specialized Livestock Workers
 - 8431 – General Farm Workers
 - 8432 – Nursery and Greenhouse Workers
 - 8611- Harvesting Laborers
- NPC** – Chicago National Processing Center
OECS – Organization of the Eastern Caribbean States
OFLC – Office of Foreign Labor Certification
OSHA – Occupational Safety and Health Administration
PR – Permanent resident
SAWP – Seasonal Agricultural Worker Program
SWA – State Workers Agency



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

SOC – Standard Occupational Classification

- 45-0000 Farming, Fishery and Forestry Occupations
 - 45-2092.01 – Nursery Workers
 - 45-2092.02 – Farm Workers and Laborers, Crop
 - 45-2041.00 – Graders and Sorters, Agricultural Products
 - 45-2091.00 – Agricultural Equipment Operators
 - 45-2093.00 – Farm Workers, Farm and Ranch Animals
 - 45-2099.00 – Agricultural Workers and all others

SRE – Consulate General of Mexico in Vancouver

STPS – Secretariat of Labour and Social Welfare

TFW – Temporary Foreign Worker

TLC – Temporary Labor Certification

USCIS – U.S. Citizenship and Immigration Services

WAFLA – Washington Farm Labor Association

WALI – Western Agriculture Labor Initiative

WGL – Washington Growers League

wp – Work Permit

U.S. – Unites States

USC – United States Code



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

Introduction

In 1996, the Seasonal Agricultural Worker Program (SWAP) was established as a resource to Canadian agricultural producers to utilize and source workers in Jamaica for their seasonal labor needs. SWAP has since expanded to Mexico and 11 Caribbean countries. Initially operated solely in Ontario, the program has since expanded to the rest of Canada, with British Columbia involved since 2004.

In its nearly 20-year legacy, the resilience of BC SWAP as a practical labor source option for agricultural employers has been proven with its impressive track record of increased utilization. In 2004, 9 agricultural employers hired 47 temporary foreign workers (TFWs), and by 2022, 615+ employers employed 6949 workers. SAWP has become an integral part of BC primary agriculture.

Like SWAP, the H-2A Temporary Agricultural Worker Program (H-2A) allows U.S. agricultural employers to hire foreign seasonal workers to fill seasonal labor shortages. Between 2010 and 2019, the H-2A positions certified by the U.S. Department of Labor reflected an increase of more than 220%.

These Canadian and U.S. TFW programs have become elemental to their respective countries' agriculture sectors. Both programs share common characteristics, such as providing employer-subsidized housing and transportation but vary in administrative complexity and procedural operation. These factors will be examined and compared in the following analysis.

Employing SAWP or H-2A workers incurs additional costs, making it more expensive than hiring domestic workers (if available). In turn, the repercussions of these costs may make it prohibitive for smaller producers to participate in short-term temporary contracts.

Both SAWP and H-2A have collectively operated for over half a century. Their longevity and increasing popularity are made possible by being able to adjust and/or respond to current economic and social/demographic circumstances.

The following comparison of TFW programs is to educate and advise on minor procedural adjustments that could benefit farm employers utilizing BC SAWP and enhance program integrity and compliance for the future to come.

Takeaway Points:

- SAWP and H-2A are integral agricultural labor source programs in Canada and the U.S. designed to make it possible agricultural employers to hire TFWs when domestic workers are unavailable.
- Both programs have shown impressive growth and resilience over their operational legacy, but the costs of hiring TFWs over domestic workers are high. This cost makes it difficult for smaller producers to participate in short/temporary contracts.
- The content of this report follows a comparison of these TFW programs and is intended to educate/advise on procedural adjustments that could benefit BC specific SAWP.



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

SAWP

Background

The Seasonal Agricultural Worker Program (SAWP) is a Government of Canada Immigration Program introduced by the Pearson Liberal Government in 1966 in cooperation with Jamaica. It has since expanded to Mexico and other Commonwealth Caribbean countries.

SAWP allows employers to hire TFWs when Canadian and permanent resident workers are not available. To hire TFWs, an employer must have an approved Labor Market Impact Assessment (LMIA) from Employment and Social Development Canada (ESDC) to ensure that hiring a TFW will not negatively impact the Canadian labor market.

The Foreign Worker then must acquire an employer-specific work permit from Immigration, Refugees, and Citizenship Canada (IRCC). This type of work permit (wp) mandates that the TFW work only for the Employer approved in the LMIA.

Employers may hire TFWs from SAWP participant countries for a maximum period of eight (8) months in a calendar year from January 1 to December 15. The employer must offer the TFWs a minimum of 240 hours of work within 6 weeks or less.

To qualify for SAWP, employers must meet three criteria:

1. The TFWs for hire must be citizens from Mexico or participating Commonwealth Caribbean countries.
2. Production must be in specific commodity sectors. Please see the National commodity list [here](#).
3. The work activity must be related to on farm primary agriculture.

Takeaway Points:

- The Pearson Liberal Government introduced SAWP in 1966, and now incorporates Jamaica, Mexico, and other Commonwealth Caribbean countries.
- SAWP allows employers to hire TFWs when Canadian and Permanent Resident Workers are unavailable.
- Employers and TFW workers must meet certain eligibility requirements for employment/work – see more details below.

Program Requirements

Transportation: Employers are responsible for arranging round-trip transportation for TFWs from their home country to their place of work. Employers must also provide day-to-day transport between on-site/off-site accommodation and the work site.

Housing: Employers must provide proof of adequate, suitable, and inspection-approved accommodation, located on or off-site through a housing inspection report. Failure to do so will reflect an incomplete status of their LMIA application.

Health and Workplace Safety Insurance: Employers must ensure all TFWs register for provincial health insurance – Medical Service Plan (MSP) for British Columbia.

TFWs' source country government carries group extended medical insurance, paid through employee payroll deductions. Employers are required to carry workers' compensation insurance.

SAWP Worker Transfer: Employers can transfer a TFW from one farm to another, provided the employer has the worker's, prior written approval from the foreign government representative, and prior written approval from Employment and Social Development Canada (ESDC)/Service Canada.

Recruitment and Advertising: Employers are required to conduct recruitment of Canadian and permanent residents before offering a job to TFWs and are encouraged to conduct ongoing recruitment efforts throughout the hiring process.

The minimum job offer advertising efforts employers must make for Canadian workers before submitting a LMIA follow as:

1. Posting on the national JOBBank/its provincial counterpart.
2. Posting on one additional media platform (employers choosing).
3. Posting must be advertised for a at least 14 consecutive calendar days a 3-month period before the employer submits a LMIA.

Employer Processing Fees: LMIA processing fees do not apply to occupations:

- Related to primary agriculture.

Primary agriculture is defined as work duties that must:

- Be performed within the boundaries of a farm, nursery, or greenhouse.
- Involve at least one activity such as:
 - Operation of agricultural machinery.
 - Boarding, care, breeding, sanitation, or other handling of animals (other than fish) for the purpose of obtaining raw products for the market.
 - Collection, handling, and assessment of those raw products, or the planting, care, harvesting, and preparation of crops, trees, sod, or other plants for market.

- Be consistent with specific NOC codes: 0821, 0822, 8252, 8255, 8431, 8432, 8611.

While no federal government processing fees are charged for submitting a BC SAWP LMIA, there are fees charged by the Western Agriculture Labour Initiative (WALI). WALI is a non-profit, third-party Employer Representative authorized by ESDC/Service Canada and provides industry representation during annual SAWP contract negotiations with government stakeholders. Ultimately, WALI facilitates the inspection of worker housing and the scheduling and arrival of TFWs. See pg. 31 for fee schedule.

Takeaway Points:

- The program requirements Canadian employers must meet for SAWP include provisions around: transportation, housing, health and workplace safety insurance, worker transfers, recruitment advertising, and employer processing fees. *BC specific requirements noted*
- WALI is a non-profit, third-party employer representative in British Columbia that provides agricultural industry representation during annual SAWP contract negotiations with government stakeholders.



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

H-2A Temporary Agricultural Workers Program

Background

Authorized under the Immigration and Nationality Act (INA), the U.S. Department of Labor (DOL) H-2A Visa Program (commonly called the H-2A Temporary Agricultural Program) enables U.S. employers to hire foreign national workers temporarily to perform agricultural work when there are not sufficient U.S. workers available.

Before the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) can approve a visa petition for H-2A workers, the employer must receive a temporary labor certification from the DOL.

The DOL's Office of Foreign Labor Certification (OFLC) within the Employment and Training Administration is responsible for receiving and processing employer-filed H-2A applications. This processing ensures that qualified U.S. workers are not available for the job and the employment of TFWs will not adversely affect the wages and working conditions of similarly employed U.S. workers.

The H-2A temporary Labor Certification Process Overview

The process of obtaining a temporary labor certification from OFLC under the H-2A program involves four basic steps:

⇒ **Step 1: Filling a Job order with the State Workforce Agency (SWA)**

The employer must submit an agricultural job order through the Agricultural Clearance Order Form ETA 790/790A to the SWA that serves the state with details regarding where the work will be performed.

The SWA will review the job order, work with the employer to correct any deficiencies (if required), and then initiate the recruitment of U.S. workers.

Timeline: No more than 75 calendar days and no less than 60 calendar days before the anticipated work start date.

⇒ **Step2: Filing an H-2A application with the Chicago National Processing Center (NPC)**

The NPC receives and processes all Employer-filed H-2A applications and is the final point of contact in the labor certification process.

Upon receipt of an approved job order from the SWA, the employer submits H-2A Application for Temporary Employment Certification package, including form [ETA-9142A](#), ETA, [Form 790/790A](#), and applicable attachments to bring non-immigrant foreign workers into the U.S.

The H-2A application must be filed with the NPC using the Foreign Labor Application Gateway (FLAG), an online portal to streamline the process. Upon approval, NPC issues employer a Notice of Acceptance.

Timeline: No less than 45 calendar days before the anticipated work start date.

⇒ **Step 3: Conduct recruitment for U.S. workers**

Upon receipt of the NPC Notice of Acceptance, the employer conducts additional recruitment for U.S. workers.

This recruitment must include advertisement content and scheduling following recommendations on preparing the recruitment report.

Timeline: Receipt date of Notice of Acceptance until recruitment completion.

⇒ **Step 4: Completing the labor certification process.**

Employer submits the following to NPC:

- Recruitment report
- Proof of housing inspection
- Proof of workers' compensation insurance coverage

When NPC grants a labor certification, the process is completed.

Timeline: No less than 30 calendar days before work start date

Completing the labor certification process results in a certified [ETA Form 9142](#) and an invoice for processing fees to be paid within 30 calendar days.

The employer can then file a Petition for [Non-immigrant Worker Form I-129](#) to the Department of Homeland Security and U.S. Citizenship and Immigration Services (USCIS). An employer uses this form to petition USCIS for an alien beneficiary to come temporarily to the U.S. as a non-immigrant

to perform services or labor, or to receive training. The [Form I-129](#) is not just for H-2A temporary agricultural workers but also several other non-immigrant, non-agricultural classifications. The role of the USCIS in the U.S. is similar to that of the IRCC in Canada.

Employer Processing Fees

Like WALI in BC, Washington has the Washington Farm Labor Association (WAFLA), a non-profit organization that operates as an HR association for seasonal agricultural employers in the Pacific Northwest. Associated agency fees can be found on pg. 31.

Takeaway Points:

- Before the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) can approve a visa petition for H-2A workers, an employer must retain a temporary labor certification.
- There are 4 primary steps for U.S. employers gain this certification: file a job order with SWA, file an H-2A application with the NPC, conduct recruitment for U.S. workers, and complete the labor certification process.
- The Washington State Farm Labor Association (WAFLA) operates as an HR association for seasonal agricultural employers, providing niche resources tailored to their industry, including acting as an agent for employer groups to 'jointly' hire TFWs



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

Movement of Canadian TFW Workers Between Employees is a Hurdle for Small Employers in the Agriculture Sector

Small farms require workers, and the need increases during harvest time. However, because of the farm's size/labour need, small farm employers cannot not employ workers for contiguous weeks.

The definition of a small farm is one in which farm workers are not employed full-time (minimum 40 hours per week average) during the harvest period. While domestic workers can freely move between small farms in Canada, TFW movement between farms is restricted.

The employer can transfer SAWP TFWs to another farm, provided the employer has the worker's consent, prior written approval from the foreign government representative in Canada, and prior written authorization from ESDC/Service Canada. Double transfers are also allowable, but all transfers must be with employers possessing a valid LMIA.

These transfer requirements lead to formalized procedures. As a result, the number of transfers in a season is limited due to the administrative processes to gain permissions, and further administrative processes to change transfer dates after approvals are granted. For these reasons, short-term and frequent transfers between farms is not feasible under the current SAWP program. Many small farms that are unable to participate in SAWP for these reasons.

Takeaway Points:

- Domestic workers can move freely between small farms in Canada, but TFW movement is restricted.
- There are extensive transfer requirements that lead to formalized procedures and turnaround times that make more frequent transfers impractical.
- As a result, Consequently, short-term frequent TFW transfers between farms are not feasible.

Employer Groups Enabled in the U.S. H2-A Program Eliminates the Requirement of Inter-farm Transfer Approval

The Canadian TFW programs allow an individual employer to hire foreign workers. However, as mentioned above, formal approval is required to transfer a worker to a new farm.

The U.S. H2-A program also allows an employer to hire foreign workers. However, the U.S. H2-A program allows *Employer Groups* to hire workers. The different types of employers are referred to as “Nature of H2-A Application types”. The individual employers are listed as:

- **Individual Employer:** The application is being filed by, or on behalf of one employer (i.e., a sole proprietorship, a partnership company, or a limited company).
- **Association – Sole Employer:** The Application is being filed by an agricultural association that will be the sole employer.

The Employer Groups in the U.S. H2-A program are classified (“in the Nature of”) the following:

- **Joint Employer:** The application is being filed by, or on behalf of two or more employers (non-association). Each employer seeking to jointly employ H-2A workers under this application must be identified on [Form ETA-790A](#), Addendum B, and separately submit a signed and dated Appendix A.
- **Association – Joint Employer:** The application is being filed by an agricultural association as a joint employer with each employer-members named on the application (i.e. a “master” application). Each employer member seeking to jointly employ H-2A workers with the agricultural association under this application must be identified on [Form ETA-790A](#), Addendum B.
- **Association – Agent:** The application is being filed by an agricultural association acting as an agent (identified in Section D of the application) on behalf of employer-member(s). In this case, the employer is the farmer.

The introduction of “Employer Groups” provides a group of agricultural operations with the ability to allocate HR resources between individual Employers in the group, increasing efficiency and reducing costs, particularly for smaller employers.

The Employer Groups provide benefits to the participants by combining and coordinating HR resources and capital resources, especially for smaller operations that are unable to participate in the H2-A program due to an inability to meet program minimums requirements for earnings in a season.

Takeaway Points:

- The introduction of “Employer Groups” in the H-2A program provides a group of agricultural operations with the ability to allocate HR resources between individual Employers in the group, increasing efficiency and reducing costs, particularly for smaller employers.
- Together, Employer Groups can combine resources and smaller farms that normally would not meet the minimum program requirements can participate.

Contrasting Two Managed Migration Systems

The SWAP and H-2A share common ground – their objectives around managing the orderly and regulated importation of seasonal agricultural non-immigrants or TFWs.

Foundationally, the programs ensure that domestic workers, if available, are not displaced. Ultimately this ensures that the TFWs will not negatively impact the U.S. or Canadian labor market.

However, the two programs diverge in their approach to the employer’s application process to hire TFWs, the nature of participation, and regulation.

Application Process – H2A

In contrast to SAWP, the H-2A Visa Program is a more complex, multi-stage application process.

Like SAWP, H-2A must include efforts to advertise for and hire domestic workers. TFWs can only be employed after the employer can demonstrate that there are insufficient U.S. workers are available for the jobs.

The State Workers Agency (SWA) also initiates advertising the employer’s job order (or offer) to attract available U.S. worker applicants. In addition, employers must duplicate intra- and inter-state advertising efforts.

As mentioned earlier, 4 basic steps exist in applying for TFWs under H-2A. Three of those steps involve obtaining a Temporary Employment Certification. Once the employer applicant has submitted two separate forms to two government agencies (State and Federal), the employer can then file a certified form to USCIS to seek additional approval to bring in the TFW (see Figure 1. H-2A Application Process Flow Chart).

In essence, a U.S. H-2A employer must submit three forms in the application process (listed in order of submission):



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

[ETA 790/790A](#) - This is the first stage of the H-2A Labor Certification Process and is designed to:

- Facilitate the initial receipt and processing of the job order by the SWA.
- Identify the primary employer of the worker(s) sought for the job opportunity.
- Designate that the job order will be used in connection with a future Form ETA-9142A for H-2A workers.
- Disclose all the material terms and conditions of employment that the employer will offer to H-2A workers and U.S. workers.

The ETA 790/790 form is to be submitted to SWA for certification.

[ETA 9142A](#) - This form represents the 2nd stage of the Labor Certification Process and is required to:

- Identify the type of employer classification for the H-2A application.
- If joint employer or association agent, determine which employer will identify as the main/primary contact. This must be completed through Addendum B.
- If association-joint employer, direct the agricultural association to complete Addendum B and identify all employer-members.

This form is submitted for certification to NPC with a certified ETA 790/790A.

[USCIS I-129](#) – Petition for a Non-Immigrant Worker:

- This form identifies the worker's name and requests work permit information for entry to the U.S.
- A certified ETA 9142 from DOL must accompany the petition.
- If multiple employers, each must sign the petition.

The USCIS is the last and final stage of the application assessments conducted by the SWA and NPC, ensuring that the employer's application is unaltered before the issuance of work permits.

Takeaway Points:

- Both SWAP and H-2A programs ensure that domestic workers, if available, are not displaced but diverge in their approach to the employer's application process to hire TFWs, nature of participation, and regulation.
- H-2A has a multi-stage application program. In essence, a U.S. H-2A employer must submit three forms in the application process (listed in order of submission): the [ETA 790/790A](#), [ETA 9142A](#), and [USCIS I-129](#).



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

Application Process – SAWP

BC employers wanting to hire TFWs are required by law to register with the provincial Ministry of Labor. If approved, the employer is issued a certificate of registration valid for up to three years.

From there, BC registered employers can apply to SAWP, with one form: the Labour Market Impact Assessment Application (LMIA) Seasonal Agricultural Worker Program, [Form EMP5389](#). This is to be submitted to ESDC/Service Canada.

The LMIA and accompanying documentation provided by the employer streamlines the Canadian TFW process compared to the U.S. H-2A application process (see Figure 2. SAWP Application Process Flow Chart).

Processing timelines, however, are similar to H-2A. Employers wanting SAWP workers to arrive in January or February must start the application process in September or October of the preceding year.

Delays in TFW arrivals are expected. The Secretariat of Labour and Social Welfare (STPS) in Mexico is understaffed and has challenges with their interactive database, which tracks TFWs' status as they navigate the WP process.

Takeaway Points:

- BC Employers wanting to hire TFWs must first register with the provincial Ministry of Labor.
- After approval, they can apply to SAWP with the form [EMP5389](#).
- This system is streamlined compared to H-2A, but processing time is similar (approximately 6 months).



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

Role of Participating Foreign Countries

H-2A – Foreign government representatives in the U.S. are not directly involved in any administration, regulation, or enforcement of the H-2A Temporary Agricultural Program. State and Federal agencies administer all these processes. This means recruitment of workers in the foreign country must be done directly by the employer, or through an Agent of the Employer in the designated location.

SAWP – As mentioned in the comparison (pages 34 to 38), SAWP operates according to bilateral agreements between Canada and the participating countries. The agreements outline the role of these foreign governments, which is to:

- Recruit and select TFWs.
- Ensure workers have the necessary documentation to come to Canada.
- Maintain a pool of qualified workers.
- Appoint representatives to assist workers in Canada.

These governments also ensure that the men and women selected to work temporarily in Canada meet all the requirements of the SAWP. These requirements include the TFW:

- Have experience in farming.
- Is a minimum of 18 years of age.
- Is a citizen of one of the participating countries.
- Can satisfy Canadian immigration laws and laws of the worker's home country.

The SAWP employment contract requires a signature from the foreign government's Liaison Officer and the TFW's identification on the approved LMIA application.

Note: The employer may not know the name of the TFW before they arrive in Canada (un-named worker). Employers must provide a signed copy of the contract to the TFW on the first day of work in either English, French, or Spanish.

Ultimately, the Government Agent of the participating foreign country is actively involved in the employer's ability to successfully fulfill their obligation to the TFW. Excerpts of several material clauses from the Mexican and Commonwealth Caribbean contracts are listed below. Clauses apply to both SAWP countries unless otherwise indicated.

II LODGING

The employer agrees to:

- Provide clean, adequate living accommodations to the worker at no cost (except for BC, where employers can deduct for accommodations). Living accommodations must meet with and continue to abide by the annual approval of the appropriate government



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

authority or other accredited bodies responsible for health and living conditions in the Province/Territory where the worker is employed.

The worker agrees to:

- Realize that the employer may, with the approval in writing from the government agent, recover from their wages the cost to the employer to maintain the living quarters in a safe, hygienic, and functional state.

III PAYMENT OF WAGES

The Government agent and both parties agree:

- That in the event the employer is unable to locate the Worker because of the absence or death of the worker, the employer shall pay any monies owing to the worker to the Government Agent. This money shall be held in trust by the Government Agency for the worker's benefit. The government agent shall take any or all steps necessary to locate and pay the money to the worker or, in the case of the death of the worker, the worker's lawful heirs.

V HEALTH AND SAFETY OF WORKERS

- The employer must report to the government agent within twenty-four (24) hours all injuries sustained by the worker which require medical attention.

VI MAINTENANCE OF WORK RECORDS AND STATEMENT OF EARNINGS

The employer agrees to:

1. Maintain and forward accurate records of hours worked, and wages paid to the government agent. These records must be submitted upon request within 7 days.

V DEDUCTION OF WAGES

Both parties agree that:

- That the employer shall deduct a portion of the worker's wages and send this amount to the government agent for each payroll period at the time of delivering the pay sheets required by Section VII. These deductions are to cover costs associated with the physical and financial protection of the worker while in Canada and to ensure their safe arrival to Canada from their country of origin. These costs include deductions related to:
 - i. Airfare between the workers home country and job site.
 - ii. Contributions to the National Insurance Scheme, as required by legislation in each country.
 - iii. Supplementary medical coverage for any periods when the worker is not eligible for provincial or territorial medical insurance. This also applies to any coverage in addition to that provided by the province or territory.
 - iv. Reasonable fees for required medical exams.
 - v. Government administrative fees for provisions of services such as preparation of documents: ground transportation, lodging during transit to and from Canada, orientation sessions, legal assistance, examination of worker accommodations, and required background, security, and criminal record checks.

IX OBLIGATIONS OF THE EMPLOYER

The employer acknowledges and agrees:

- That if it is determined by the government agent, after consultation with ESDC/Service Canada, that the employer has not satisfied their obligations under this contract, and where required by law, the contract will be rescinded by the government agent on behalf of the worker. If alternative agricultural employment cannot be arranged through ESDC/Service Canada for the worker in that area of Canada, the employer shall be responsible for the full costs of the worker's return home.

X EARLY CESSATION OF EMPLOYMENT

1. Following completion of the employment trial period by the worker, the employer, after consultation with the government agent, shall be entitled for non-compliance, refusal to work, or any other sufficient reason stated in this contract, to prematurely cease the worker's employment. The worker must be notified a minimum of 7 days prior to dismissal except when the dismissal is for cause requiring immediate removal and done in consultation with the government agent.

X OBLIGATIONS OF THE GOVERNMENT AGENT (CC only)



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

The Government Agent acknowledges and agrees:

- If there is reason to suspect abuse or mistreatment in the workplace, the Government Agent will report any allegations to ESDC/Service Canada and will provide all information that may assist in an integrity inspection.

From the selected contract clauses listed above, it is evident that the Government Agent, in this case SRE or JLS (two foreign Consular services in BC) are influential partners in the SAWP contracts. Their authority to apply regulatory powers and enforce employer participation, payroll, housing inspection, and hiring/dismissal processes is buoyed by the Memorandum of Understanding between Canada and the participant countries.

Takeaway Points:

- For the H-2A, all recruitment for TFWs must be done directly by the employer or through an agent of employer.
- SAWP operates according to bilateral agreements between Canada and the participating countries.
- For SAWP, the government agent of the participating foreign country is actively involved in the employer's ability to successfully fulfill their obligation to the TFW and there are several material clauses from the Mexican and Commonwealth Caribbean contracts that transparently outline the conditions of work for TFWs.



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

Moving Forward

To ensure future success, any program or initiative requires regular analysis of their current situations, the drive to envisage their future role/function and adapt to new realities. These actions will help to secure their sustainability and ensure beneficial serviceability.

For example, in 2004, when the ESDC/SC/IRCC authorized BC employers' participation in SAWP, it did so with an amendment that extended the length of the seasonal contract calendar from November 30 to December 15.

This modification was necessary because BC's growing season dynamics differ from ON's. BC provincial labor laws mandated that the negotiated contract be adjusted to recover accommodation costs rather than airfare. These changes did not suppress SAWP but allowed the program to flourish and expand in economic import for the last 18 years. The addendum was reasonable and stayed aligned with the spirit of SAWP.

Another example was in 2019, when the IRCC implemented a new stream of temporary immigration – an Open Work Permit for Vulnerable TFWs. This became available to TFWs across all sectors who are vulnerable and at risk for abuse. This temporary solution helps TFWs document evidence of mistreatment, find a new employer, and apply for a new wp. ESDC/SC saw a need and responded with a program.

Also in 2019, the IRCC and ESDC developed a proposal to amend the *Immigration and Refugee Protection Regulations*. The goal was to introduce authorities for the issuance of “occupation-specific” WPs under the TFWP based on an assessment provided by the ESDC. The purpose of the proposal would be to provide greater labor mobility to foreign workers, enabling them to leave their employer for a new or different employer in their occupation without having the requirement to apply for a new wp.

Migrant worker advocacy and support groups have petitioned vigorously for a similar alteration to the TFWP (in addition to wanting Permanent Resident (PR) status upon arrival in Canada). Their rationale stands that employer-specific wps characterized by SAWP can create a power imbalance favoring the employer and increased risk of potential TFW abuse or exploitation. It is thought that a TFW may be more likely to remain in a job where they may experience abuse or exploitation because employer-specific wps inhibit them.

In IRCC/ESDC's view, the proposed occupation-specific wp would achieve similar goals to the open wp for vulnerable workers. However, the proposed occupation-specific WP disregards key components of the employer-specific wp, and those components are subsidized housing and transportation which facilitate SAWP.

In an occupation-specific wp, the employee is not obligated to remain at the workplace of the employer who paid for transportation to Canada. Additionally, the employee has no rights to inspect and approve accommodation at the original employer once taking a position with another employer in the sector. This could result in sub-standard (uninspected and unapproved) housing or a lack of



housing for the worker in the new employment arrangement. Tracking of worker location is also an issue with open WPs and occupation-specific wps.

SAWP and H-2A are premium programs; they require employers to be responsible for the transportation and housing of workers (and in the case of H-2A, a 20% premium in the Adverse Effect Wage Rate (AEWR) over minimum wage in WA and OR). In return, employers receive a motivated, temporary workforce whose productivity and assurance of a dedicated employees merits the increased expense.

TFW mobility does exist within current SAWP regulations in the form of transfers. TFWs may change their employer subject to existing immigration requirements. SAWP allows a TFW to transfer to a different LMIA compliant, primary agricultural employer. Employers can transfer a worker from one farm to another, provided the employer has the worker's consent, prior has written approval from the foreign government representative in Canada, and prior written approval from ESDC/SC. In addition, if the worker notifies SRE/JLS in regard to potential abuse or exploitation concerns, the TFW's Consular Service can quickly facilitate removal or transfer through an expedited process.

Takeaway Points:

- To secure sustainability, any program or initiative requires regular analysis of current situations, the consideration of future role/function, and adaptation to new workplace realities.
- Over the years, there have been amendments to SAWP that have enhanced its value to Employers and TFWs.
- TFW mobility exists within current SAWP regulations in the form of transfers, but brings to question: to what extent? Can the current definition of "mobility" be adjusted to better service TFWs and Canadian Employers?



SAWP Employer Group Pilot Project

A more direct way to enhance worker mobility under SAWP and maintain the advantage of employer-specific subsidized transportation would be to incorporate one or more options from the H-2A “Nature of Application” designation for employers. These options allow for additional mobility of workers to be transferred within the employer-group or association’s employee roster.

These employer types could be reasonably adapted to the SAWP LMIA process without radically changing the program’s design elements and oversight.

SAWP requires that all employer participants be farmers involved in primary agriculture, with the work restricting work to farming activities.

The following outlines a potential SAWP **joint employer** or **employer group** scenario:

- All SAWP employers would still be required to:
 - Register with BC MOL.
 - Have valid LMIA with required documentation to demonstrate need for TFWs.
- LMIA – includes designation for type of employer.
- LMIA – include section to identify the lead employer and participating employers within identified employer group.
- Employers share a crop in common and/or regions where crops do not overlap.

This scenario allows for TFWs to follow harvest from South to North within a commodity group, while employers share cost of return airfare, accommodation, and regional transportation. It would also reduce the extent of modifications to current LMIA documentation.

The other types of employer categories, namely Association-Sole Employer, Association-Joint Employer, Association-Agent, and sub-category H-2A Labor Contractor (H-2ALC) present challenges regarding implementation of similar categories under the SAWP regulation.

Associations and Labor Contractors (see “Definitions”) are arm’s length entities, not producers of primary agricultural products, and are not eligible to participate under SAWP or Agricultural Stream.

However, if an Association-Agent scenario were considered an eligible third party, as indicated under Section 3 of the SAWP LMIA, the Association would be registered representative on a group of employer LMIAAs (as FARMS is today and WALI did initially).

The BCFGAs could be that Association and provide another level of oversight (dependent on funding) as well as improve communications among the employer group. BCFGAs have maintained good working relationships with the SRE and JLS, assists with regional TFW issues where it can, and works diligently to further enhance continuity and trust following the spirit of the SAWP bi-lateral MOU. The Jamaican Liaison Service may be more amenable to such a pilot project since most of their workers are employed in the Okanagan where the JLS and BCFGAs have offices.

Such an association-agent employer group may also facilitate the implementation of a “Recognized Employer Model” in which administrative requirements and LMIA processing times could be reduced for low-risk employers. The Recognized Employer Model was a Key Issue identified in the *Temporary Foreign Worker Program, Primary Agriculture Review “What We Heard”* report published in 2019 Sector Policy Division.
Association

Takeaway Points:

- A direct way to enhance worker mobility under SAWP and maintain the advantage of employer-specific subsidized transportation would be to incorporate one or more options from the H-2A “Nature of Employer” designation.
- In a pilot project, an association could be appointed as an agent for a group of employers. In a SAWP LMIA, the Association would be the registered representative on a group of employer LMIAs.
- In a pilot project, an association, for example the BC Fruit Growers’ Association, would be the agent for a group of employers the association-agent and provide another level of oversight as well as improve communications among the employer group.
- Currently, the BCFGa and its umbrella organization WALI maintain good working relationships with the SRE and JLS, assist with regional TFW issues BCFGa and WALI work diligently to further enhance continuity and trust following the spirit of the SAWP bi-lateral MOU.



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4

Table 1. SAWP vs. H-2A FEE SCHEDULE

SAWP WALI FEES	2023	H-2A FEES	2023
EMPLOYER FEE		EMPLOYER FEE	
NO FID*	\$200.00	WAFLA	\$300.00
FID	\$150.00		
TFW ADMINISTRATION FEE (Spaces /Housing Inspection)		U.S. Fees^	
Size 1 (1-9 spaces)	\$15.00	Labor Certification	\$100.00 + \$10.00 Cert. Worker/
Size 2 (10-19)	\$14.00	State Dept. +	\$310.00/worker/yr
Size 3 (20-34)	\$13.00	USCIS I-129 application	\$460.00
Size 4 (35-49)	\$12.00	DHS border stamp	\$10/worker
Size 5 (50-74)	\$11.50		
Size 6 (75+)	\$10.50		
LMIA SUPPORT FEE			
SAWP MEXICO	\$20.00		
SAWP CARIBBEAN	\$10.00		
AgStream	\$0.00		

- *FID: BC Farmer ID Card, government recognized ID card for PST exemptions and is only available through the BC Agriculture Council
- + increased from \$190/worker in 2022
- ^Note: Under H-2A master application, employer group shares cost of application filing and inbound transportation



Figure 1. H-2A Application Process Flowchart

Legend:

- Employer Actions
- SWA Actions
- Chicago NPC Actions

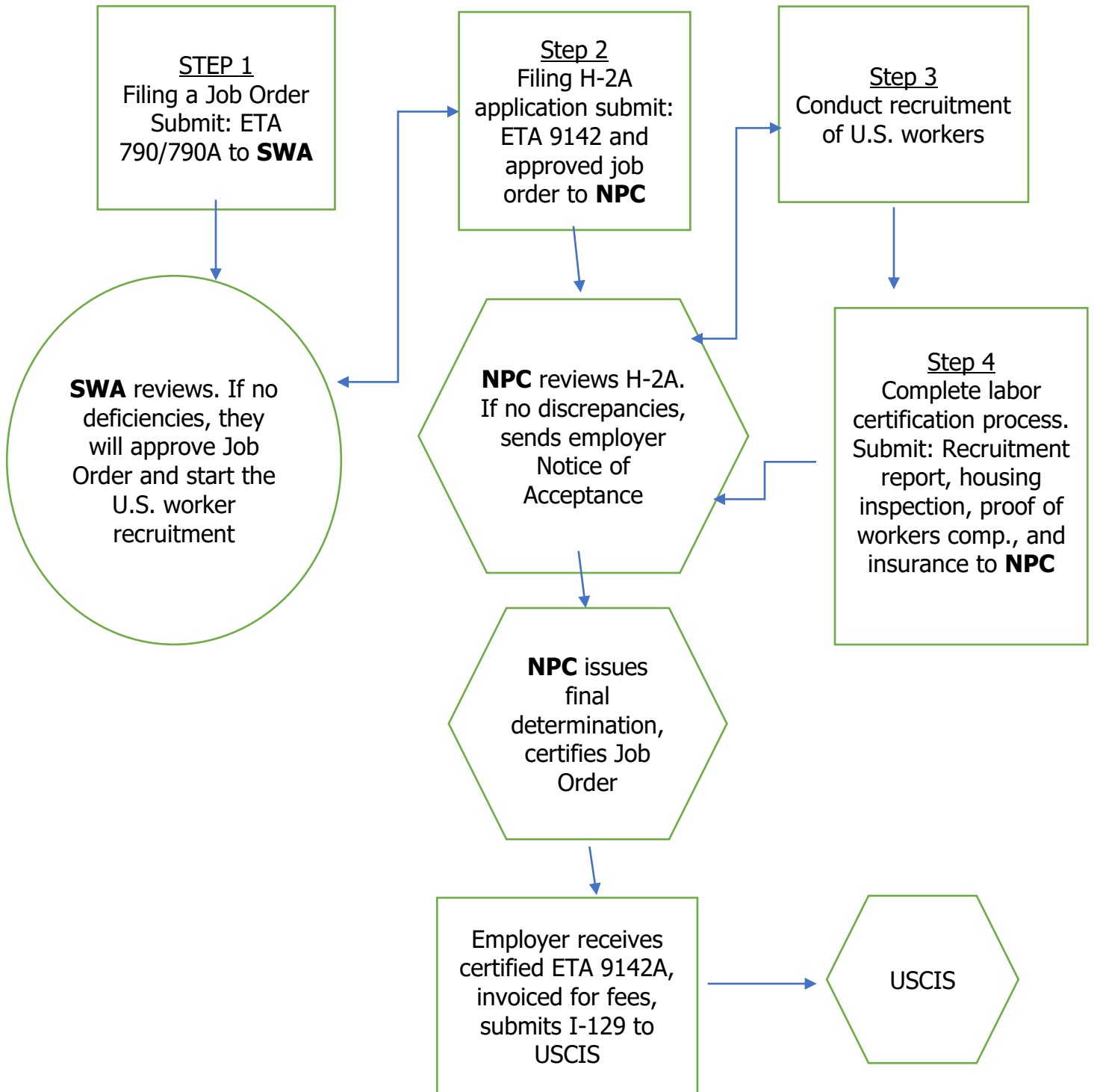
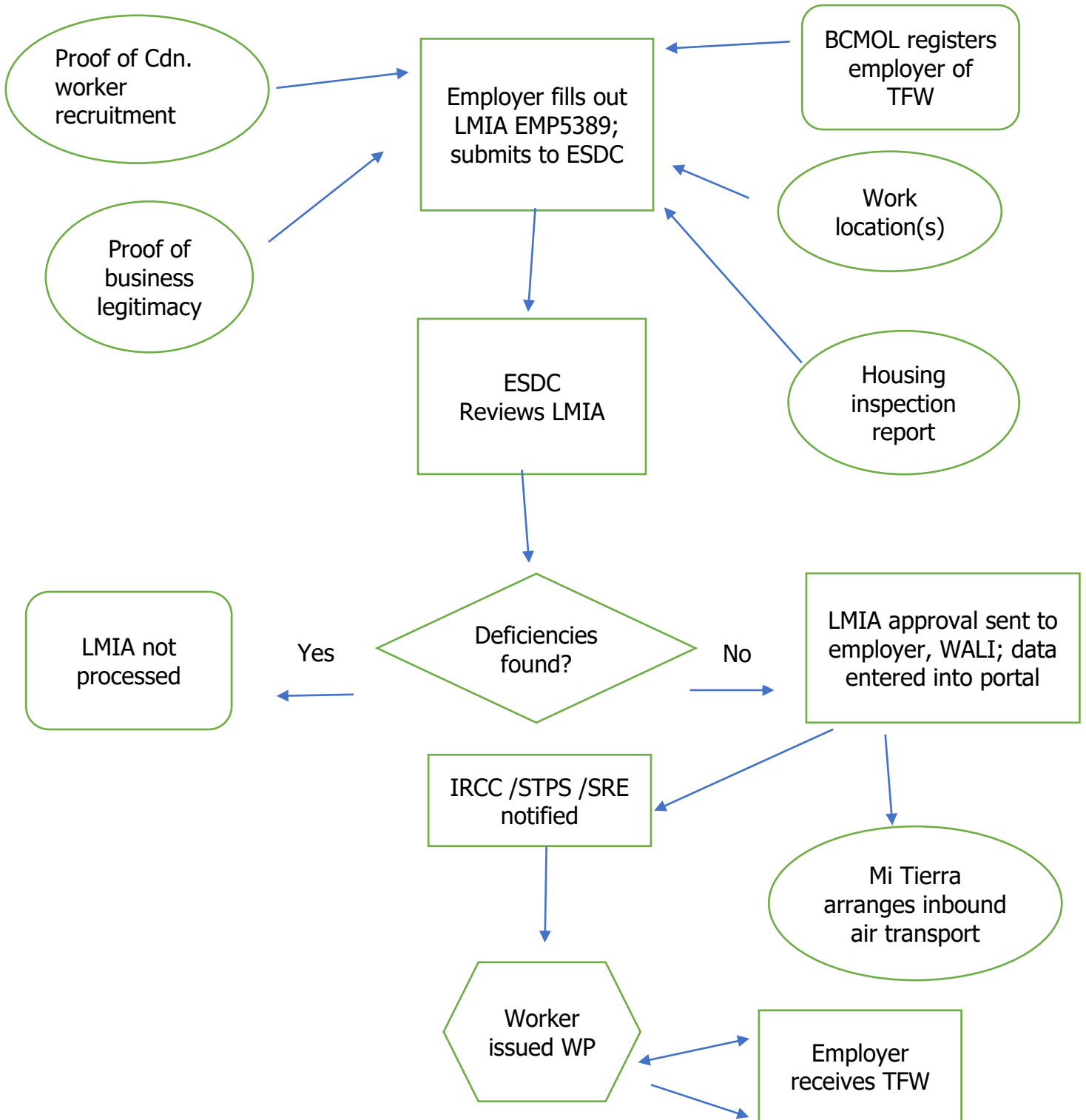


Figure 2. SAWP Application Process Flowchart



APPENDIX. H-2A – SAWP COMPARISON At A GLANCE

H-2A	SAWP
<ul style="list-style-type: none"> Built upon World War II era measures established by War Food Administration that brought guestworkers from the Caribbean to labor on East Coast farms. 1952- The Immigration and Nationality Act (INA) launched a non-immigrant H-2 visa category evolved from govt. to govt. labor agreements allowing U.S. employers to recruit workers directly from any country upon approval by the Attorney General. 1986- H-2A and H-2B programs available <p>Government Regulation & Oversight</p> <ul style="list-style-type: none"> SWA – ETA 790/790A; CNC – ETA 9142A; USCIS – Form I-129 <p>NGO Participants</p> <ul style="list-style-type: none"> WAFLA WGL <p>Employer Processing Fees</p> <ul style="list-style-type: none"> DOL/State/DHS/USCIS fees apply. <p>Enforcement</p> <ul style="list-style-type: none"> Wage & Hour Division of DOL. <p>Participant Countries</p> <ul style="list-style-type: none"> 84 eligible countries. Mexico accounts for 90% of workers among source countries. <p>Applicants:</p> <ul style="list-style-type: none"> Employer with business physically 	<ul style="list-style-type: none"> 1966 – Bilateral Agreement between Canada and Jamaica. 1971 on – Mexico and numerous Commonwealth Caribbean countries added to agreement as participating countries. 2004- BC employers participate in SAWP. <p>Government Regulation & Oversight</p> <ul style="list-style-type: none"> ESDC – LMIA EMP 5389 IRCC STPS / SRE / JLS <p>Enforcement</p> <ul style="list-style-type: none"> ISB SRE/JLS <p>NGO Participants</p> <ul style="list-style-type: none"> WALI Mi Tierra Travel MOSAIC AMSSA <p>Employer Processing Fees</p> <ul style="list-style-type: none"> LMIA processing fees do not apply to occupations: <ul style="list-style-type: none"> Related to primary agriculture. <p>Primary agriculture defined as work duties that must:</p> <ul style="list-style-type: none"> Be performed within the boundaries of a farm, nursery, or greenhouse. Involve at least one activity such as: <ul style="list-style-type: none"> Operation of agricultural machinery. Boarding, care, breeding, sanitation, or other handling of animals (other than fish) for the

<p>located in U.S., has a valid Federal Employer Identification Number (FEIN), has ability to hire, pay, fire, supervise, and otherwise control work of the workers employed.</p> <ul style="list-style-type: none"> • Work to be performed consist of agricultural labor or services, such as planting, raising, cultivating, harvesting, or production of any agricultural or horticultural commodity. • Work must be full-time, at least 35+ hours per work week. • Work must be seasonal or temporary in nature and tied to a certain time of year by a recurring event or pattern, such as an annual growing cycle, normally lasting 10 months or less. <p>Applicant Categories</p> <ul style="list-style-type: none"> • Individual Employer – one employer (non-association). • Joint Employer – two or more employers (non-association). • Association – Sole Employer: agricultural association that is the sole employer. • Association – Agent: agricultural association acting as an agent on behalf of employer-member(s). • H-2ALC – Employer acting as a Labor Contractor. <p>Employment contract:</p> <ul style="list-style-type: none"> • No standard contract. • Contract must be reviewed and meet the minimum acceptable language approved by SWA and in compliance with the Conditions of Employment and Assurances for H-2A Agricultural Clearance Orders described in ETA 790A. • H-2A workers can be contracted up to 10 consecutive months within a single area of intended employment. • Workers may transfer between H-2A 	<p>purpose of obtaining raw animal products for the market.</p> <ul style="list-style-type: none"> ○ Be consistent with specific NOC codes: 0821, 0822, 8252, 8255,8431, 8432, 8611. <p>Participant Countries</p> <ul style="list-style-type: none"> • Mexico • Jamaica, Barbados, Republic of Trinidad & Tobago, OECS countries: Anguilla, Antigua and Barbuda, Commonwealth of Dominica, Grenada, Montserrat, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines. <p>Applicants:</p> <ul style="list-style-type: none"> • Employer who is part of an approved agricultural commodity sector. • The work must be related to on farm primary agriculture. • The TFWs hired must be citizen of Mexico and/or participating Caribbean countries. • Job offer full-time average of at least 30 hours per week <p>Employment contract:</p> <ul style="list-style-type: none"> • Standard, non-modifiable contract and agreed upon responsibilities of the employer/employee. • Maximum period of 8 months between Jan. 1 and Dec. 15, minimum of 240 hours of work within a period of 6 weeks or less. • Source country government, employer, TFWs, and Canadian government are parties to the agreement. • There is currently no limit on the number of consecutive years a TFW can participate in the program. • TFW must be covered by employer’s provincial workplace safety insurance (workers compensation). • Employer must ensure TFW registers for provincial health insurance when
---	--



<p>employers for up to three years, after which they must depart the U.S. for three months before being eligible for a new visa.</p> <ul style="list-style-type: none"> • Employer provides worker compensation insurance coverage in compliance with State law. • Washington offers free healthcare for farmworkers. • Three-fourths guarantee: employer must offer at least three-fourths of H-2A contract hours specified to worker; discrepancy requires employer pay shortfall to worker. <p>Wages</p> <ul style="list-style-type: none"> • Employer must pay U.S. and non-immigrant workers, the AEWR, the prevailing hourly wage or piece rate, the agreed-upon collective bargaining rate, or Federal or State minimum wage rate in effect at the timework is performed, whichever is highest. • All state labor laws apply to H-2A workers. <p>Recruitment</p> <ul style="list-style-type: none"> • SWA reviews Job Order from employer and when approved, starts recruitment of U.S. workers. • SWA keeps Job Order active until 50% of the period of the work contract has elapsed. • Employer files H-2A application to NPC; following NPC acceptance, employer conducts recruitment for U.S. workers, submits recruitment report to NPC. • Employer responsible for recruitment, often using registered recruitment services. <p>Housing</p> <ul style="list-style-type: none"> • Employers must provide free, approved, and inspected housing to 	<p>eligible.</p> <ul style="list-style-type: none"> • In addition, TFW has private group medical insurance, organized by source country and paid by employee payroll deductions. <p>Wages</p> <ul style="list-style-type: none"> • Employer must provide TFW same wages and benefits as those provided to Canadian or PR workers in the same occupation. • Wage rate must meet or exceed the wage rates outlined in the wage tables by ESDC or applicable collective agreement or federal/provincial/territorial minimum wage rates, whichever is higher. <p>Recruitment</p> <ul style="list-style-type: none"> • Recruitment of workers is the responsibility of the government of the participating countries. • Employers cannot use the services of a private recruiter to select workers. • Employer must advertise job positions to Canadian and PR workers to demonstrate need and/or inability to hire sufficient domestic workers. <p>Housing</p> <ul style="list-style-type: none"> • Employers must provide proof of inspection of the off-site or on-farm accommodation. The appropriate provincial, territorial or municipal authority must conduct the inspection. • In BC, inspections are completed by BC Home Inspectors certified by and in good standing with the province of BC and vetted by WALL. • Inspections valid for an 8 month period except when applying for TFW replacement. • Inspection must comply with all legislative and regulatory health, safety and building codes.
--	--

<p>non-local workers (workers who cannot reasonably return home at the end of the workday).</p> <ul style="list-style-type: none"> • Housing must comply with all health and safety standards for the applicable number of worker occupants. • Employer has SWA inspect worker housing annually. • Rental housing or public accommodation available to the public must comply with applicable local, state and Federal standards; may or may not require SWA inspection. • Meals: Employer to provide three meals a day or furnish free and convenient cooking and kitchen facilities. <p>Transportation</p> <ul style="list-style-type: none"> • Employer must pay H-2A workers transportation costs to the employment location and back to their home region at the end of the season, using the most economical means possible. • Transportation and related daily sustenance provided by the employer or paid by employer to the worker for reasonable costs incurred (advance payment or reimbursement) • Employer must also provide daily transportation to the place(s) of employment. 	<ul style="list-style-type: none"> • In BC, employer may deduct \$5.36 per working day (minimum 4 hours) from the first day of employment during the TFW's stay in Canada, to a maximum of \$826. • Meals: Employer must provide meals (with some recoverable costs) to the TFW, or furnish cooking utensils, fuel, and facilities without cost to the TFW. <p>Transportation</p> <ul style="list-style-type: none"> • Employers must arrange and pay for the round-trip transportation of the TFW. Transportation includes travel to and from their place of work in Canada and their country of residence. • Air transportation of TFW must be direct from the source country to Canada, as the U.S. does not allow nonimmigrant stopovers or transfers. • Employers can recover some transportation costs through payroll deductions in all provinces except British Columbia, where employers can recover some housing costs. • Employers need to ensure transportation between on-site or off-site accommodation and the workplace(s).
--	---



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4