



H-2A Agricultural Guestworker Program

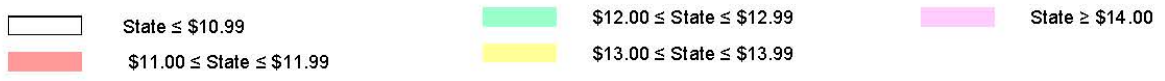
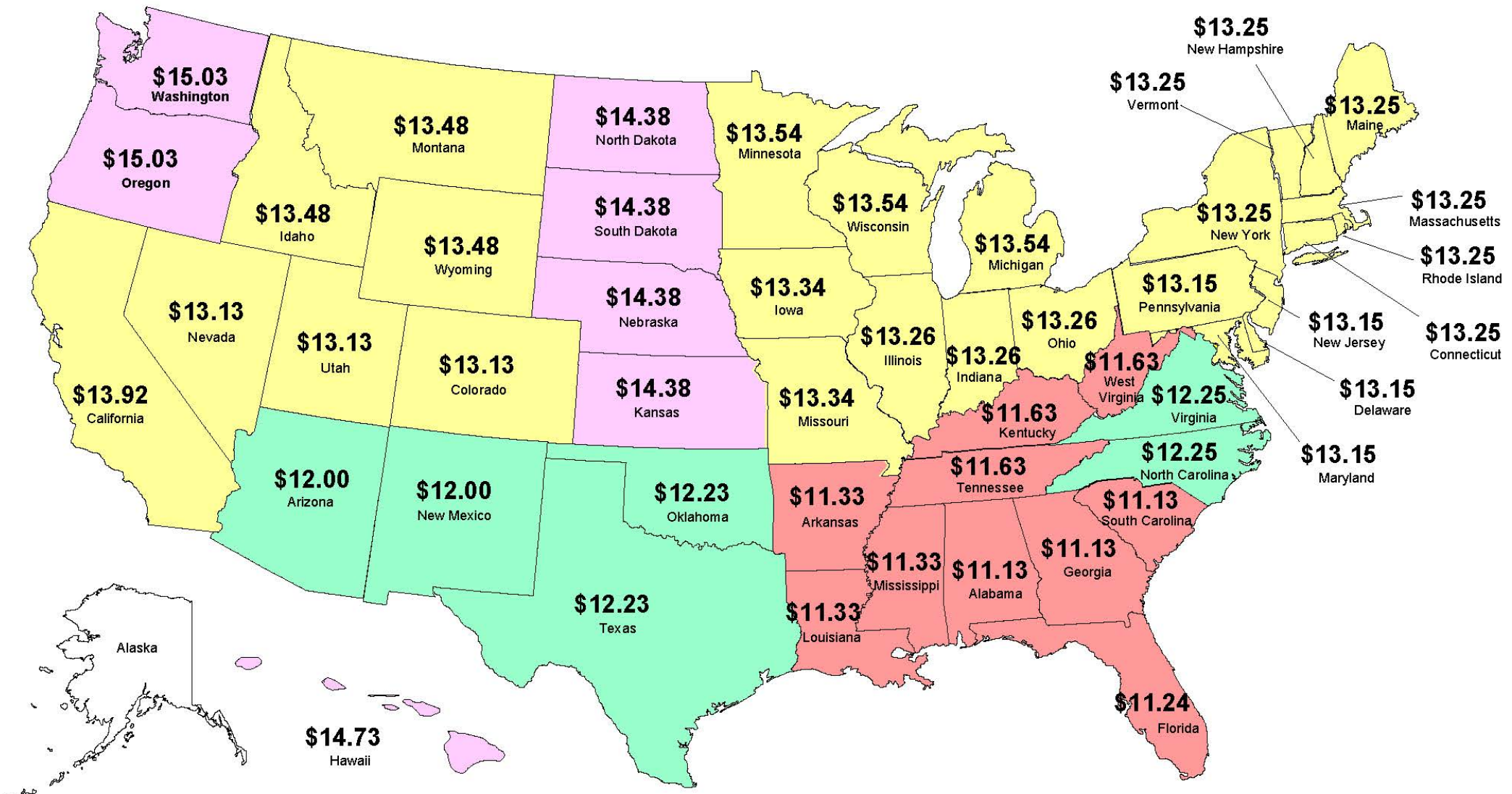
Leon R. Sequeira for
Farm Foundation
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H-2A Agricultural Worker Visa Program

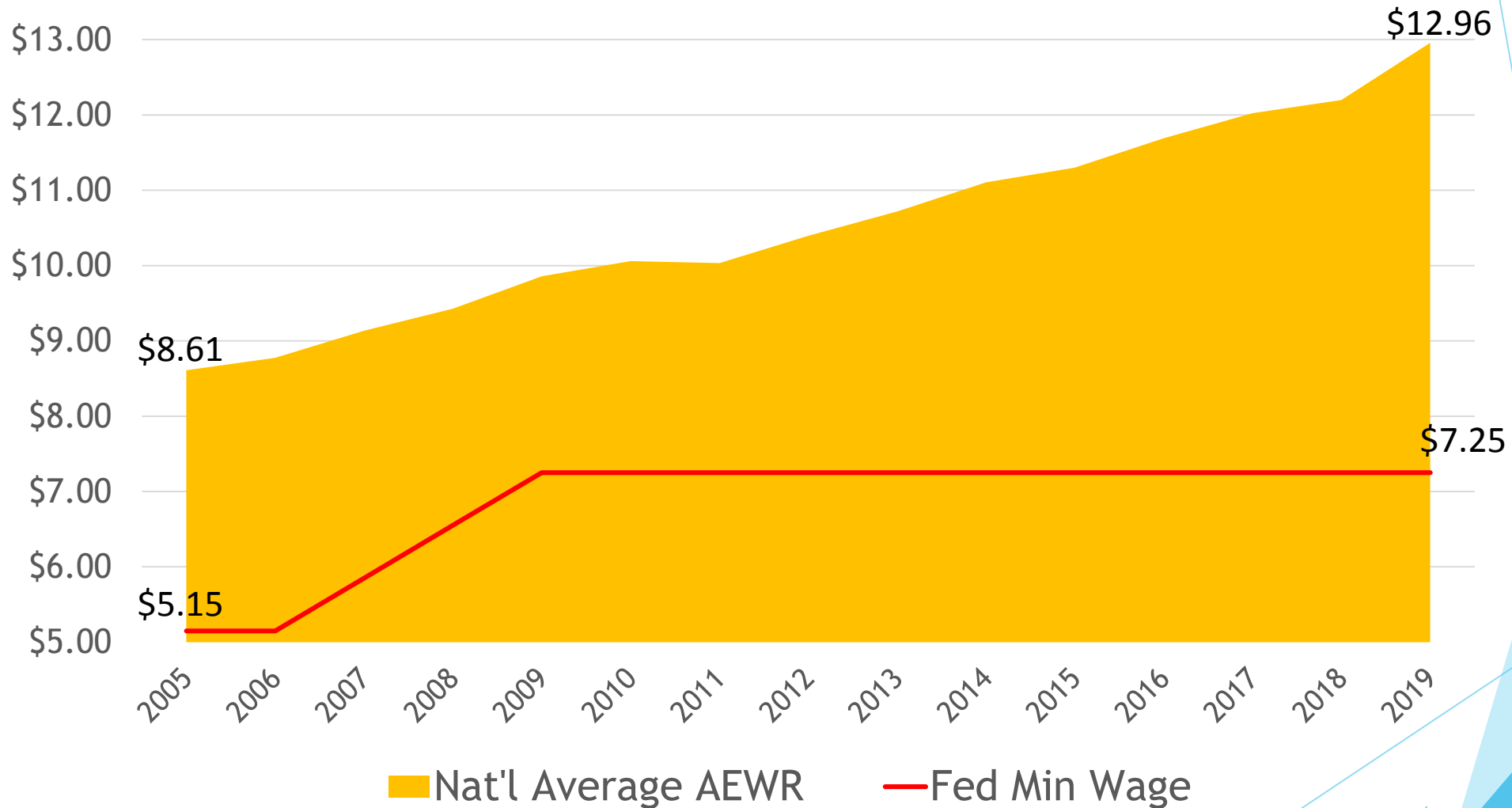
“Non-immigrant” visa for foreign worker to perform temporary ag work

- ▶ Any type of agricultural work (crop, livestock, nursery)
- ▶ No limit on number of visas issued per fiscal year
- ▶ Complicated process - requires approval of several gov't agencies
- ▶ Mandated wage rate - varies by state/region
 - ▶ Well above minimum wage (national “average” wage is nearly \$13/hour)
- ▶ Must provide housing meeting government standards
- ▶ Must pay workers' inbound and outbound travel costs

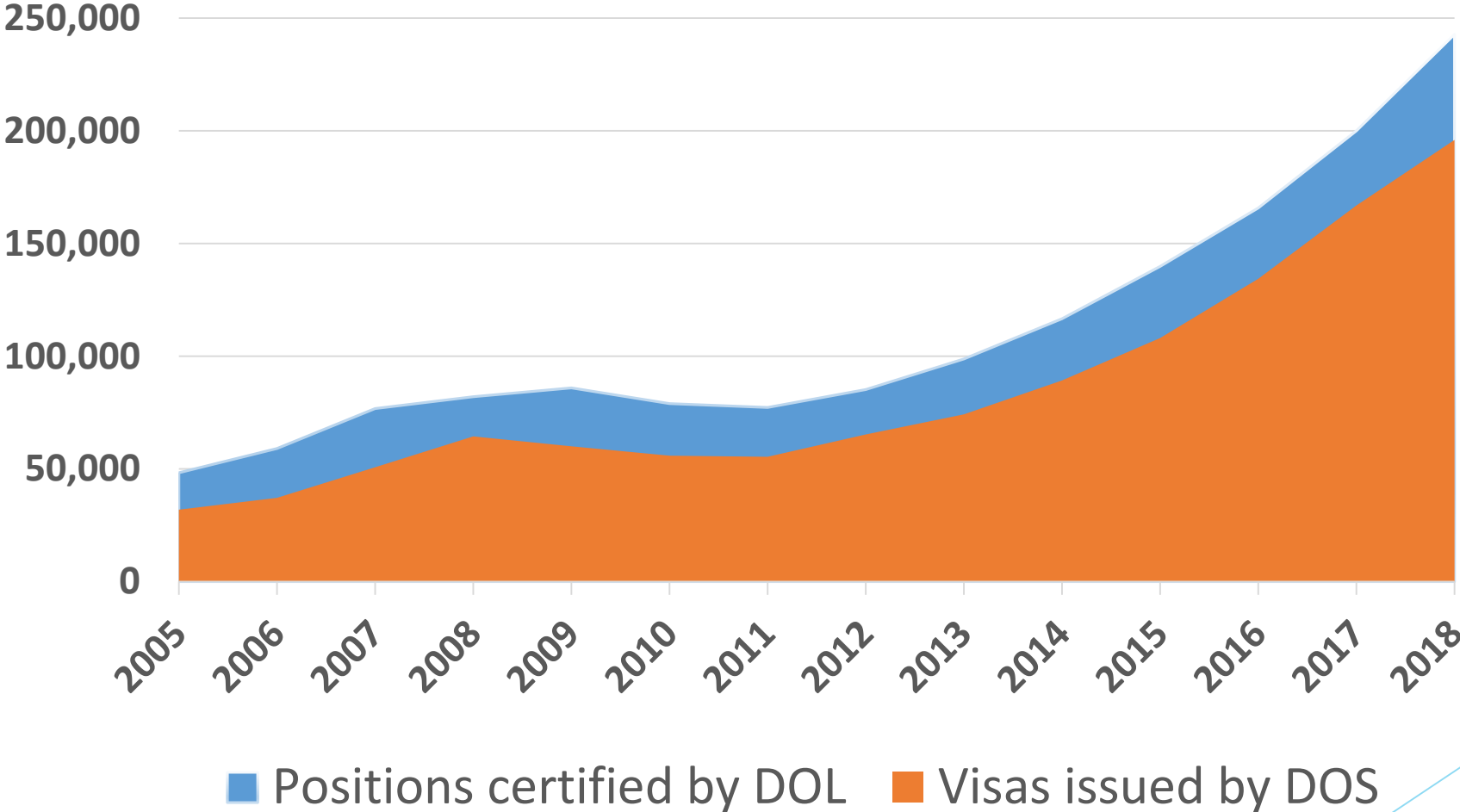
2019 Adverse Effect Wage Rates



National Average AEW R vs. Federal Minimum Wage



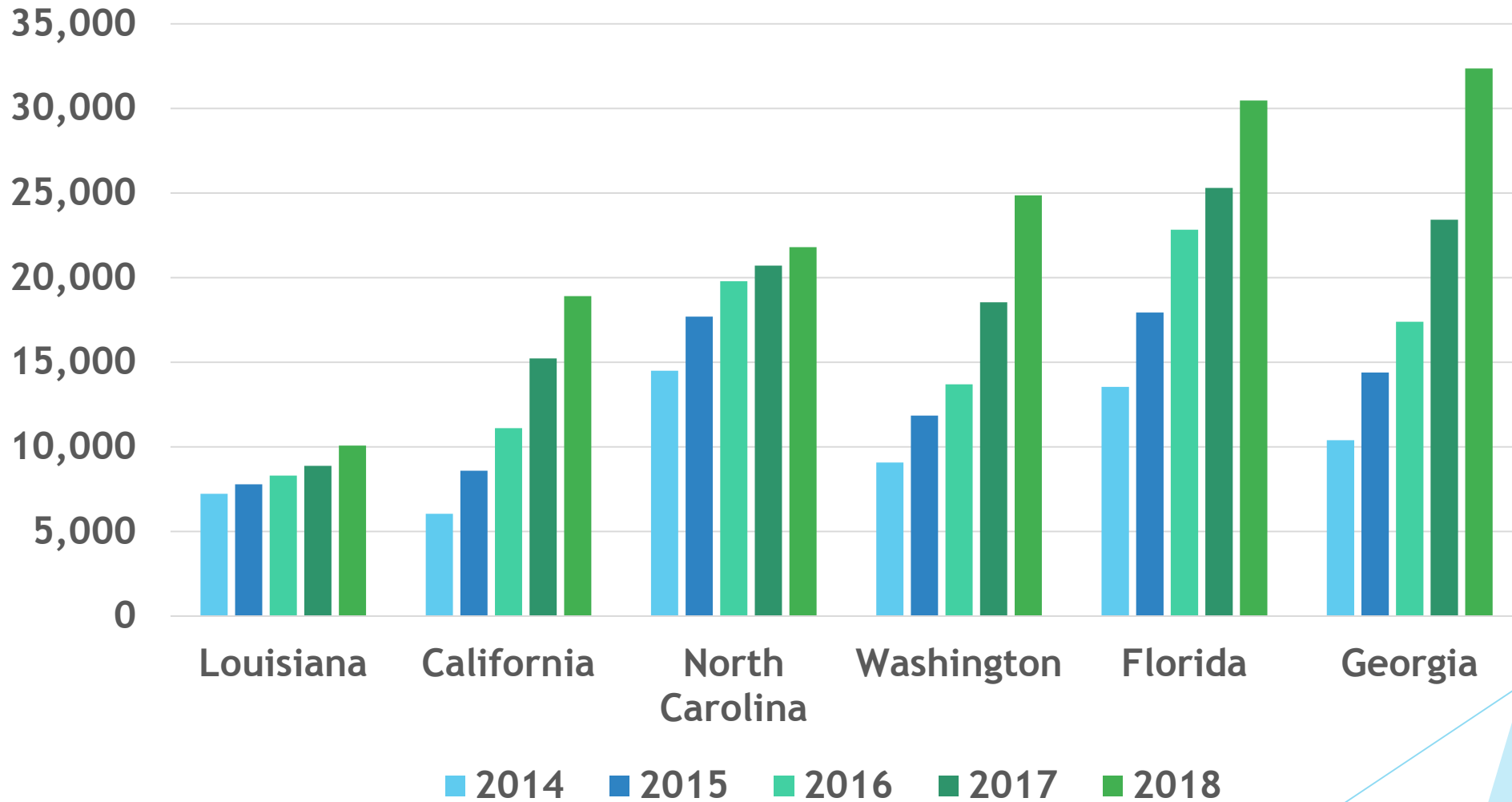
H-2A Workers: Growth 2005 - 2018



H-2A Growth 2005 to 2018

- ▶ H-2A positions certified by Dept. of Labor -- up 400% to 242,000
 - ▶ 2006: exceeded 50,000
 - ▶ 2014: exceeded 100,000
 - ▶ 2017: exceeded 200,000
 - ▶ On track to exceed 300,000 by 2020
- ▶ H-2A visas issued by State Dept. -- up 500% to 196,000
- ▶ H-2A applications approved by Dept. of Labor -- up 71% to 11,300
 - ▶ May be more than one employer per application and an employer may file multiple applications
- ▶ Average # of positions per H-2A application -- up 179% to 21

H-2A Growth - Top 6 States 2014-2018



The current H-2A Program

- ▶ Downsides: costs, complexity, and government bureaucracy
 - ▶ Expensive wage and housing requirements
 - ▶ Limited to “temporary” work
 - ▶ Over-regulated by DOL / private litigation
- ▶ Despite the downsides, dramatic growth in last 10 years
- ▶ Because....when there are insufficient numbers of U.S. workers available, the H-2A program is the only option for hiring temporary/seasonal agricultural workers



Reform Challenges Ahead

H-2A Program Reform Challenges

- ▶ Attempts by Congress to reform the H-2A Program get wrapped up in larger immigration debate -
- ▶ Agriculture groups not always “together”
 - ▶ Legalizing illegal workers vs. fixing the H-2A program
- ▶ Glimmer of hope -
 - ▶ Trump Administration DOL working on (overdue) regulatory reforms
 - ▶ Some issues with H-2A statute can only be fixed by Congress
- ▶ But, Democrats tend to be hostile towards the program
 - ▶ Obama Administration DOL reversed Bush Administration H-2A regulatory improvements...what happens in 2020?

QUESTIONS?

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