CIERTO
Helping to Build a Skilled, Professional Agricultural Workforce
H-2A 101

A Primer on the H-2A Guest Worker Program
What Is the H-2A Program?

- Created in 1986 to help fill jobs for which American producers could not find American workers.
- H-2A allows legal guest workers to temporarily work for U.S. farmers.
- Provides between 7% and 10% of the total agricultural workforce.
H-2A is no longer simply a last resort for growers hiring farm workers.

- The most effective option to fill these jobs
- Protects the security of our food supply
- Helps ensure stable labor supply
An aging domestic workforce means that H-2A is increasingly the best option for reliable farm labor.
H-2A Requirements

To Qualify for the Program, Growers Must:

- Offer a temporary or seasonal job
- Demonstrate that not enough U.S. workers are able, willing, qualified & available to do the temporary work
- Show that employing H-2A workers will not adversely affect the wages and working conditions of similarly employed U.S. workers
- Submit a single, valid, temporary labor certification from the U.S. Department of Labor with the H-2A petition
H-2A Timeline

Pre-Filing
3 to 4 months before start date
- Position description, number of workers needed, contract dates, housing & meals, recruitment in Mexico

State Workforce Agency Filing – Job Order
75 days before start date
- First day employer can file with SWA
60 days before start date
- Last day to file with SWA
H-2A Timeline

DOL – Chicago National Processing Center
45 days before start date
• Last day to file

I-29 Petition Filing w/ USCIS
• File for unnamed or named workers

Visa Appointments at US Consulate
• Visa issuance takes place in Mexico (Tijuana, Nogales, Hermosillo preferred) after USCIS approves petition
Crossing the Border & I-95 Arrival / Departure Record

- Once visas are issued, applicants must stop at the border & submit their visa & passport for issuance of the I-94 arrival record

End of Contract Departure

- Employer must ensure that workers are returned to the border to turn in I-95s to border officer
H-2A Worker Benefits

H-2A Workers Are Entitled to

- Dept. of Labor & State Workforce
  Agency-inspected housing
- Cooking facilities or employer-provided meals
- Worker’s Compensation
- Transportation OR reimbursement for travel costs to and from the farm
- 75% of contract-specified hours
H-2A Workers Are Entitled to

- Wages higher than the AWER, the prevailing wage, or the federal minimum wage
- Tools & equipment required to perform assigned duties
- Transportation to stores every 2 weeks for food and necessities
- Employment to any qualified US worker who applies for the job for 50% of contract period
H-2A Is Necessary, but Not Without Its Problems

- Complex rules & regulations
- Fraud, deception, extortion & abuse
- Gendered abuse & human trafficking

Internal audits don’t always reveal hidden abuse, making external scrutiny a necessity.
Labor abuses – often driven by conditions of recruitment – threaten the resilience of the US agricultural supply chain and grower profits.

The problem is widely acknowledged, but hard to solve.

H-2A labor violations on the rise

The Labor Department has documented more H-2A violations by employers and more workers who were not paid what they were owed.

- **H-2A violations by employers**
  - FY2014: 6,000
  - FY2015: 7,000
  - FY2016: 6,000
  - FY2017: 7,000
  - FY2018: 8,000
  - FY2019: 12,000

- **Employees owed back wages**
  - FY2014: 2,000
  - FY2015: 2,000
  - FY2016: 3,000
  - FY2017: 3,000
  - FY2018: 4,000
  - FY2019: 5,000

Source: Labor Department

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**Ethical Charter on Responsible Labor Practices**

A Framework for Operations in the Fresh Produce and Floral Supply Chains

[Logo of PMA and United Fresh Produce Association]
CIERTO Ethically Recruits, Trains & Places H-2A Visa Workers on Farms Throughout North America

We Specialize in Recruiting Workers Who Are

- Knowledgeable
- Highly motivated
- Eager to return to your farm season after season
Clean, Transparent Recruiting Is Good Business.

- Significant Productivity Improvements
- Fully Trained, Knowledgeable Workers
- A Reliable Labor Supply Chain
- Guaranteed H-2A Compliance
Major retailers like Walmart, Costco & McDonald’s increasingly hold growers accountable for their brand integrity, including workers rights and welfare.

CIERTO works directly with powerful companies like these to ensure that clean recruiting plays a major role in protecting their brand’s consumer reputation.
What’s Next?

Expansion

- The U.S. government is working to expand grower access to Northern Triangle H-2A workers.
- CIERTO has secured funding to bring our proven model of Responsible Recruiting to Guatemala.
- Funds are available to help growers offset the increased logistical costs of this effort.

For more information on this program, visit CiertoGlobal.Org/NorthernTriangle
Thank You

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Creating Value In The Supply Chain
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