

H-2A Foreign Agricultural Guest workers

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Tomato Institute,

Naples, FL



Brief Description

- Immigration and Nationality Act (1943) creates H-2
- Immigration Reform and Control Act (1986)
 - H-2A, agriculture
 - H-2B, non-agriculture
- Federal program administered by US-DOL
- Conditions for application:
 1. Insufficient domestic workers
 2. Domestic wages NOT adversely affected

Recent H-2a History in Florida

Year (Oct 1 – Sep 30)	Petitions	Certified H-2a Workers
2012	91	8,558
2013	137	10,893
2014	174	15,770
2015 (Aug 19)	110	9,312

Source: Steven Aggelis, Foreign Labor Certification,
Florida Dept of Economic Opportunity, Aug 26, 2015.

2011: 55,000 H-2A visas (80% from Mexico)

<http://www.splcenter.org/publications/close-to-slavery-guestworker-programs-in-the-united-states/a-brief-history-of-guestwork>

H-2A Process

1. Foreign labor certification (USDOL)
 - [ETA 790](#) to FL DEO (state workforce agency)
 - State approved [ETA 790](#) with [ETA 9142A](#) to the DOL Chicago National Processing center
2. Petition non-immigrant worker visas (USCIS)
 - Form [I-129](#) (36 pages)
3. Recruit workers and obtain visas (Dept of State)

Important addresses

Florida Dept of Economic Opportunity

Office of Workforce Services
Alien Labor Certification
Program

Caldwell Bldg MSC-G300

107 E. Madison St

Tallahassee, FL 32399

(850)921-3299

Gloria.Harrison@deo.myflorida.com

US Dept of Labor

Office of Foreign Labor
Certification

Chicago National Processing
Center

11 W. Quincy Ct

Chicago, IL 60604-2105

Attn: H-2A program

EMPLOYEE RIGHTS

UNDER THE H-2A PROGRAM

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

The Immigration and Nationality Act (INA) allows for the employment of temporary, non-immigrant workers in agriculture (H-2A WORKERS) only if the employment of U.S. workers would not be adversely impacted. To ensure that U.S. workers are not adversely impacted, *H-2A WORKERS* and *OTHER WORKERS employed on an H-2A work contract or by an H-2A employer in the same agricultural work as the H-2A workers* have the following rights:

DISCLOSURE

- To receive accurate, **WRITTEN INFORMATION** about the wages, hours, working conditions, and benefits of the employment being offered
- To receive this information prior to getting a visa and no later than on the first day of work
- To receive this information in a language understood by the worker

WAGES

- To be **PAID** at least twice per month at the rate stated in the work contract
- To be informed, in writing, of all **DEDUCTIONS** (not otherwise required by law) that will be made from the worker's paycheck
- To receive an itemized, written **STATEMENT OF EARNINGS** (pay stub) for each pay period
- To be guaranteed employment for at least **THREE-FOURTHS (75%)** of the total hours

NEWS ALERT:

Citrus Harvesters Happy

- Legal and stable workforce
- Day-to-day management flexibility
- Able to build productive workforce

- Comprehensive immigration reform:
 - Bureaucracy shift to USDA
 - Prevailing vs AEW
 - Housing vouchers vs physical units

Thank you
Questions?



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