

Farmers Guide to the H-2A Visa Program

The H-2A Agricultural Guest Worker Program, often called the H-2A visa program, helps employers hire foreign workers for temporary agricultural jobs. The H-2A program was authorized by Congress under the Immigration and Nationality Act of 1952. This publication provides an overview of the H-2A program for Missouri agricultural producers.

Background

Farms began to use the H-2A program much more in recent years. Certified H-2A positions in the U.S. increased from about 100,000 in 2012 to nearly 385,000 in 2024. The increase in H-2A use reflects changes in the labor market and challenges of finding seasonal and temporary farm labor. There is no U.S. statutory limit on the number of H-2A visas certified each year.

Who can participate

The H-2A program is available to an employer or association of agricultural producers that anticipates a shortage of domestic workers to do agricultural labor or services on a seasonal or temporary basis. [The U.S. Department of Labor \(DOL\) lists these general guidelines for determining if employers are eligible for the H-2A program](https://www.dhs.gov/immigration/h-2a) ([flag.dol.gov/programs/H-2A](https://www.dhs.gov/immigration/h-2a)):

- Be a employer physically located in the United States, possess a valid Federal Employer Identification Number (FEIN), and be able to hire, pay, fire, supervise or otherwise control the work of the workers you employ.
- The work performed must consist of agricultural labor or services.
- The work must be full time (at least 35 hours per week).
- The work must be seasonal or temporary (normally lasting 10 months or less) and tied to a certain time of the year.



Figure 1. The H-2A program can provide visas for workers to do many activities on agricultural operations.

State workforce agency

The [Missouri Office of Workforce Development](https://www.jobs.mo.gov/) ([jobs.mo.gov](https://www.jobs.mo.gov/)) is the state's workforce agency. Its [Agricultural Employment Services](https://www.jobs.mo.gov/employer/aes) ([jobs.mo.gov/employer/aes](https://www.jobs.mo.gov/employer/aes)) offers free assistance such as publicly posting a job order placed in connection to an H-2A application, recruitment of domestic U.S. workers and hiring event assistance, labor law information, foreign labor certification assistance, and additional training. Their services also include an outreach program for both domestic and H-2A visa workers. In addition, they conduct housing inspections to assure employers meet the requirements of the H-2A program. You can directly contact AES at aes@dhewd.mo.gov or 573-751-3346.

Who else can help

Every H-2A position must be certified by the U.S. Department of Labor (DOL). Agricultural producers can complete this certification process. In 2024, agricultural employers completed the applications for 219 of the 2,266 certified H-2A positions in Missouri.

Many agricultural employers choose to outsource the H-2A certification process to a firm that specializes in H-2A visas. These firms apply for the visa on behalf of the employer. The DOL defines these authorized representatives as “agents” and “attorneys.” These third-party businesses charge fees for their services and often have experience in H-2A certification and recruitment channels.

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Table 1. Agents or attorneys who helped Missouri agricultural employers with H-2A visas, 2024.

Firm name	Website	Phone number	Certified workers
AgWorks H2 LLC	maslabor.com/agworksh2	434-623-9130	334
Agri Placements International	agri-placements.com	580-227-4747	249
másLabor LLC	maslabor.com	434-623-9130	205
Signature Staffing Inc.	Not available	863-201-9211	182
USA Farm Labor Inc.	usafarmlabor.com	828-246-0659	161
H2 Visa Consultants LLC	h2visaconsultants.com	830-251-4865	109
Farmer Law PC	farmerlawpc.com/h-2a-visas	512-861-2526	108
C.O.C Placement Service	Not available	662-385-4219	103
New Century Solutions 2000 Inc.	Not available	863-273-8870	91
Seso Inc.	sesolabor.com	434-964-6256	84
<i>Subtotal of top 10 sources</i>			1,626 72% of Missouri
<i>Other agents or attorneys</i>			421 19% of Missouri
<i>Employers themselves</i>			219 9% of Missouri
Total certified H-2A workers			2,266

Source: [U.S. Department of Labor](https://dol.gov/agencies/eta/foreign-labor/performance) (dol.gov/agencies/eta/foreign-labor/performance). Company websites.
Listing of firm names and contact information is for informational purposes only and does not imply recommendation or endorsement.

Some agents are defined by the DOL as H-2A labor contractors and must follow additional requirements when certifying H-2A positions.

In 2024, agents or attorneys supported the application process of 2,047 Missouri H-2A certified positions.

Table 1 lists the firms used most frequently in 2024 for the process of certifying H-2A positions in Missouri. Firms are named in this publication only for informational purposes with no endorsement intended. If you decide to use an attorney, agent or H-2A labor contractor, conduct your own research and due diligence to select a firm that best meets your farm business needs.

H-2A process

Employers can apply for the H-2A program using the DOL's online Foreign Labor Application Gateway, or [FLAG System](https://flag.dol.gov) (flag.dol.gov). The **standard** filing process takes around 60 to 75 calendar days prior to the start day of work. The online system allows the application to be

created electronically, tracked throughout the process and reused in future applications. These are the general steps to complete for H-2A visas:

1. File an agricultural job order (Form ETA-790/790A) with the Missouri Office of Workforce Development. They will review the job order, help with needed corrections, and initiate recruitment of U.S. workers.
2. Submit an H-2A application (Form ETA-9142A) with the DOL's Chicago National Processing Center (NPC). The NPC will review your application, let you know if additional information is needed, and provide any additional instructions needed to complete the certification.
3. Conduct recruitment for U.S. workers after the NPC approves your application. The Missouri Office of Workforce Development will actively recruit in the first two weeks following submission. Recruitment efforts continue until 50 percent of the work contract period has been completed.



Figure 2. The H-2A program is used to provide farm workers for seasonal activities such as harvest or planting.

4. Complete the temporary labor certification process. This step may require additional documents to be submitted to the NPC for the final determination.
5. Recruit H-2A workers.
6. Complete the hiring process through USCIS (Form I-129), and prospective workers apply for visa and complete interviews at U.S. embassy or consulate.

There are emergency filing provisions for speeding up the filing process if workers are needed sooner than 60 days. These provisions require the same steps as the standard filing process, but the steps are conducted at the same time.

Period of stay

An H-2A worker's period of stay is defined in the temporary labor certification. However, the H-2A classification may be extended for qualifying employment in increments of up to one year each, with each extension requiring a new, valid temporary labor certification. The maximum period of stay for an H-2A worker is three years. To reset, the worker must remain outside the U.S. for 60 days before becoming reeligible.

Employer requirements

Work contract

Employers must provide a copy of the work contract or job order (ETA Form-790 and attachments) to each H-2A worker. You must provide this documentation between the time that the worker applies for a visa and the first day of work. The work contract must be in a language understood by the worker.

Employers must provide their workers with reasonable access to Missouri Office of Workforce Development Migrant and Seasonal Outreach Program staff.

50-percent rule

H-2A employers must provide employment opportunities to qualified U.S. applicants. You must keep the job position open through the first 50 percent of the H-2A contract period and hire referred U.S. workers. Pay offered must be at least equal to that of H-2A workers.

Worker guarantee

The H-2A program guarantees worker employment hours equal to at least 75 percent of the workdays in the contract period. This provision is called the three-fourths guarantee.

Pay rate and deductions

Except where a special procedure is approved, the employer must offer at least the highest of:

- the [adverse effect wage rate \(AEWR\)](https://flag.dol.gov/wage-data/adverse-effect-wage-rates) (flag.dol.gov/wage-data/adverse-effect-wage-rates),
- the prevailing hourly rate or piece rate,
- the agreed-upon collective bargaining wage or
- the applicable federal, state or local minimum wage.

A pay stub must be provided to employees on or before each payday.

Payroll deductions must be specified in the H-2A work contract. Any payroll deductions not required by law must be reasonable.

Workers' compensation

The H-2A contract requires that employers provide workers' compensation insurance, or its equivalent, at no charge to the H-2A worker. U.S. workers similarly employed must receive the same provisions.

Housing

Employers must provide housing to H-2A workers not reasonably able to return to their residence within the same day. If you rent housing for H-2A workers, you must pay all the housing charges — rent, deposits, utilities, etc. — directly to the rental housing management. Housing must include a full kitchen and provide access to a laundry facility.

Any housing you provide or secure must meet certain safety standards. The Missouri Office of Workforce Development provides inspections to determine if H-2A housing meets these standards. Inspections will be conducted 30 days prior to worker arrival. Places available for general rent or public accommodation, such as hotels and motels, do not require an inspection.

Meals

You must either provide H-2A workers with three meals per day or furnish free and convenient cooking and kitchen facilities where workers can prepare their own

meals. Workers can be charged for provided meals, but costs may not exceed those specified by the DOL.

Transportation

You must provide daily transportation to the worksite at no cost. Transportation must be operated by licensed drivers, meet safety standards and be properly insured. Additionally, transportation to a grocery store must be provided weekly.

Inbound and outbound expenses

Employers are responsible for reasonable costs of H-2A worker transportation to the farm from their previous worksite or country of origin. These costs can be paid at the time of inbound transportation or may be reimbursed to the workers once the work contract period is halfway complete. Costs include both transportation and daily subsistence costs during transportation. You must also provide or pay for workers' return transportation at the end of the H-2A contract period.

Record requirements

Employers must keep records about their hired workers. These records about H-2A workers should be retained for a three-year period:

- H-2A job order, application, petition and supporting documentation
- Proof of recruitment efforts and recruitment report
- Worker's total earnings, hours offered and worked, locations of work performed
- Wage deductions and reimbursement for transportation and subsistence costs
- Agent contracts, if used
- Proof of workers' compensation insurance or state law coverage

Costs

Table 2 lists estimated costs for H-2A employers. Employers may not charge workers for any costs related to employer H-2A certification. Note that this table does not include all fees if a third-party company, i.e., an agent or attorney, helps with navigating the H-2A application process and/or provides recruitment services. If you intend to use a third-party company, ask early about their fee structure.

Table 2. H-2A visa program costs.

Type of expense	Estimated cost
Labor certification: Processing sole employers	\$100 per application, plus \$10 per certified worker (maximum of \$1,000 total)
Nonimmigrant worker petition: Filing and asylum program fees	\$460 plus additional fees for small employer or nonprofit with unnamed workers. Cost increases to \$545 plus additional fees if named workers.
H-2A visa application: Consulate fee	\$190 per worker. Must be reimbursed to worker in first paycheck.
H-2A visa application: Border stamp fee	\$6 per worker
H-2A visa application: Agent fees	Approximately \$100 per worker
Transportation: Transport from home country to work site	\$400 to \$650 per worker (depends on country of origin)
Transportation: Weekly travel to and from a grocery store and other incidentals	Cost varies
Miscellaneous costs: Association fees if applicable	\$200
Miscellaneous costs: Housing and livable fittings	Approximately \$9,000 to \$13,000 per worker

Source: [USDA](https://www.usda.gov/working-with-us/h2a-visa-program) (farmers.gov/working-with-us/h2a-visa-program)

Resources

[Missouri Agricultural Employment Services](https://jobs.mo.gov/employer/aes)
(jobs.mo.gov/employer/aes)

[U.S. Department of Labor H-2A Program](https://dol.gov/agencies/whd/agriculture/h2a)
(dol.gov/agencies/whd/agriculture/h2a)

[U.S. Department of Labor FLAG System](https://flag.dol.gov)
(flag.dol.gov)

[U.S. Department of Labor H-2A Forms](https://dol.gov/agencies/eta/foreign-labor/forms)
(dol.gov/agencies/eta/foreign-labor/forms)

[U.S. Citizenship and Immigration Services H-2A Temporary Agricultural Workers](https://uscis.gov/working-in-the-united-states/temporary-workers/h-2a-temporary-agricultural-workers)
(uscis.gov/working-in-the-united-states/temporary-workers/h-2a-temporary-agricultural-workers)