

The 2022 Supplemental Budget directed JLARC to conduct a performance audit of the Employment Security Department's (ESD) administration of the H-2A Farmworker Visa program. This is one of three farmworker-related studies currently under way at JLARC.

## Agricultural employers can request H-2A visas for temporary farmworkers if they expect a shortage of U.S. farmworkers during the year

Washington agricultural employers hire about 200,000 farmworkers each year. If an employer expects that it will not be able to hire enough U.S. farmworkers, it can seek federal approval to hire temporary foreign workers through the H-2A visa program. In 2022, Washington employers sought approval for 34,000 H-2A workers.

### The H-2A visa approval process involves employers, federal agencies, and state employment agencies

Employer	U.S. Department of Labor/ State Employment Agency	U.S. Department of State
<ul style="list-style-type: none"> <li>Identifies local worker shortage.</li> <li>Seeks approval to hire temporary foreign farmworkers.</li> </ul>	<ul style="list-style-type: none"> <li>Determines shortage exists.</li> <li>Certifies that hiring temporary workers won't harm US workers.</li> </ul>	<ul style="list-style-type: none"> <li>Issues H2A visas.</li> </ul>

## The Employment Security Department administers the state's H-2A program

ESD receives federal funding to support the U.S. Department of Labor's H-2A responsibilities. ESD processes employer applications, recruits U.S. farmworkers to H-2A jobs, and ensures employer compliance with program requirements once visas are issued. In addition, ESD responds to complaints, and provides outreach and training to employers and farmworkers about their rights and responsibilities under the H-2A program. ESD also receives state funds to support this work.

## This study will evaluate ESD's policies and programs related to the H-2A program

- Does ESD administer the H-2A program in compliance with state and federal laws?
- How does ESD fulfill its obligations to recruit U.S. farmworkers for H-2A jobs?
- Do ESD's training and outreach activities help to:
  - Increase employer compliance with H-2A program requirements?
  - Increase worker awareness of their rights and responsibilities under the H-2A program?
- Does ESD effectively coordinate outreach and compliance activities with other state agencies?
- What approaches does ESD use to provide culturally responsive interactions with farmworkers?
- How does ESD's administration of the H-2A program compare with other states?

In accordance with RCW 44.28.076, JLARC staff determined that there are racial equity considerations for this study, and they are incorporated in the study questions above.

## Study timeframe

Preliminary Report: January 2024

Proposed Final Report: April 2024

## Study team

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### JLARC Study Process

