

GAO Highlights

Highlights of [GAO-25-106389](#), a report to the Chair of the Committee on the Judiciary, U.S. Senate

Why GAO Did This Study

Hundreds of thousands of foreign nationals receive permission to work in the U.S. each year under the H-2A visa program. DOL, DHS, and State each have a role in administering the program. DOL has primary responsibility for enforcing compliance with H-2A laws and regulations.

GAO was asked to review program trends and agencies' ability to administer and enforce the H-2A visa program. This report examines, among other things, (1) trends in the characteristics of H-2A employers, jobs, and workers; (2) the extent to which DOL, DHS, and State have taken steps to process applications in a timely manner; and (3) the extent to which DOL has taken steps to investigate and remedy employer violations.

GAO analyzed DOL, DHS, and State data for FYs 2018–2023; reviewed relevant federal laws, regulations, and agency documents; and interviewed agency officials, five organizations representing workers, and six organizations representing employers.

What GAO Recommends

GAO is recommending that (1) DHS establish a schedule to process H-2A petitions electronically and (2) DOL evaluate options it could use to better locate workers to return back wages. DHS and DOL agreed with GAO's recommendations.

View [GAO-25-106389](#). For more information, contact Thomas Costa at (202) 512-4769 or CostaT@gao.gov.

November 2024

H-2A VISA PROGRAM

Agencies Should Take Additional Steps to Improve Oversight and Enforcement

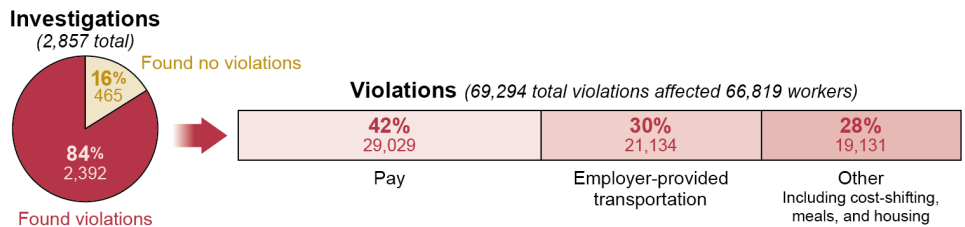
What GAO Found

The H-2A visa program was created to allow U.S. agricultural employers to fill jobs on a temporary basis provided that workers in the U.S. are not available for those jobs. From fiscal year (FY) 2018 through FY 2023, the number of approved H-2A jobs and visas increased by over 50 percent, with the Department of State issuing almost 310,000 H-2A visas in FY 2023. The vast majority of approved H-2A jobs (87 percent) were in the farmworkers and laborers, crop, nursery, and greenhouse occupation category. The majority of jobs (51 percent) were located in five states: California, Florida, Georgia, North Carolina, and Washington. H-2A workers were mostly male (97 percent), Mexican (92 percent), under 41 years old (83 percent), and married (60 percent).

The Departments of Labor (DOL), Homeland Security (DHS), and State took steps—including prioritizing H-2A visa program applications—to keep application processing times constant from FY 2018 through FY 2023 as requests for H-2A workers increased. For example, although the number of applications DOL received increased by 72 percent, the average number of days to process an application remained between 27 and 29 days. However, DHS lacks full electronic processing of employer applications—known as petitions—for H-2A workers. Instead, employers must mail documents to DHS, and staff scan them into the agency's database. DHS is 3 years into a 5-year plan for full electronic processing of all petitions for immigration benefits but has not included the H-2A program on its current schedule. Agency officials said they have prioritized online filing of other nonimmigrant visa classifications and critical humanitarian initiatives. However, establishing a schedule for full electronic processing of H-2A petitions would provide DHS with an accountability mechanism for the H-2A program in working toward full electronic processing and greater efficiencies.

From FY 2018 through FY 2023, 84 percent of DOL's investigations of employers found one or more violations, with the most common violations related to pay.

DOL H-2A Investigations and Violations Uncovered, FYs 2018–2023



Source: GAO analysis and categorization of Department of Labor (DOL) Wage and Hour Division data. | GAO-25-106389

DOL uses several tools to remedy violations including recovering back wages. GAO found that H-2A violations accounted for 54 percent of back wages assessed to all agricultural employers during the 6-year period GAO reviewed. DOL has taken steps to return back wages but may not have timely access to complete contact information for workers who have returned to their home countries. DOL has not assessed how or whether it could more efficiently locate such workers. By evaluating the costs and benefits of options to better locate workers, DOL may be able to strengthen its efforts to return back wages.