

# Identifying, Classifying & Reporting H-2A Workers in the UDS (Uniform Data System)

The use of the H-2A program by agricultural employers in the United States has more than tripled in the last decade.<sup>1</sup> There are two primary types of H-2 visa workers, H-2A and H-2B. Because of the rise in H-2A workers and the similarities between H-2A and H-2B visas, there is some confusion about how to report H-2A workers in the Uniform Data System (UDS). This tool is designed to help health centers better understand the employment information and characteristics of H-2A workers who work in agriculture and the need to be consistently identified, classified, and reported to the UDS. In 2020, about one in ten U.S. agricultural workers were employed with H-2A visas.<sup>2</sup>

## What are visa programs?

H-2A and H-2B visa programs were created to allow U.S. employers to bring foreign nationals into the United States to fill temporary labor shortages in agriculture and non-agriculture jobs.<sup>3,4</sup> The H-2 visa program allows immigrant workers to work and temporarily reside in the U.S. for no more than one year.<sup>5</sup> Due to the differences between H-2A and H-2B visas, only H-2A workers can be classified as agricultural workers for UDS reporting. The following table helps to distinguish the differences between the two visa programs and the workers who participate in each one.

## H-2A versus H-2B Visa Program

H-2A	H-2B
In 2021, the Department of Labor (DOL) certified over 317,000 jobs to be filled by H-2A workers and roughly 258,000 H-2A visas were issued. <sup>6</sup>	66,000 H-2B program visas are available in any given year, due to contract extensions and other circumstances. On average, there are 115,500 H-2B workers in the country at any given time. <sup>7</sup>
Work in agricultural labor or services such as: <ul style="list-style-type: none"> <li>• Planting</li> <li>• Animal raising</li> <li>• Cultivating</li> <li>• Harvesting</li> <li>• Production of any agricultural or horticultural commodity</li> </ul>	Work in non-agricultural labor or services such as: <ul style="list-style-type: none"> <li>• Landscaping</li> <li>• Forestry</li> <li>• Housekeeping</li> <li>• Construction</li> </ul>
34% work in vegetables and melons 33% work in fruit and tree nuts 20% work in field crops 8% work in greenhouses and nurseries 4% work in animal products <sup>6</sup>	50% landscaping/groundskeeping 10% forestry Other top occupations: <ul style="list-style-type: none"> <li>• 8% amusement and recreation</li> <li>• 7% housekeeping</li> <li>• 4% meat processing</li> <li>• 3% construction labor</li> <li>• 2 % restaurant work</li> <li>• 1% fish processing<sup>8</sup></li> </ul>
Most H-2A workers come from <sup>9</sup> : <ul style="list-style-type: none"> <li>• Mexico</li> <li>• South Africa</li> <li>• Jamaica</li> </ul>	Most H-2B workers come from: <ul style="list-style-type: none"> <li>• Mexico</li> <li>• Jamaica</li> <li>• Guatemala</li> <li>• Philippines</li> </ul>
Employer provides the worker housing and transportation to and from job site. <sup>10</sup>	Employer may or may not provide housing or transportation to the worker. <sup>11</sup>
Both H-2A and H-2B workers are paid special rates that vary by location. Also, only the worker is provided a visa, not family members, so they mostly travel alone to their work site. <sup>6</sup>	

## Verification and Classification Steps

Health centers that receive migrant health funds must ensure that those funds are used to provide health services to the migratory and seasonal agricultural worker (MSAW) population. One way to ensure that health centers are consistently identifying, classifying, and reporting in the UDS is by following the [Agricultural Worker Identification Verification Process](#) based on the [UDS Manual Reporting Requirements](#).

There are three classifications for agricultural workers according to Health Resources and Services Administration's (HRSA) definition of agriculture: migratory, seasonal, and aged/disabled. **Since H-2A workers are migrating to the U.S. for the purpose of working in agriculture and establish temporary housing, they can be classified as migratory agricultural workers.** H-2B workers cannot be classified as migratory, seasonal, or aged/disabled agricultural workers for UDS reporting because their work does not meet the definition of agriculture.

*The Identification and Verification Process can help your health center distinguish H-2A workers from H-2B workers in order to accurately report them in the UDS. Follow the classification steps below to see how each verification question is answered for H-2A and H-2B workers.*

### Step 1: Establish Occupation:

*Is agriculture the principal employment?*

*H-2A Worker: Yes*

*H-2B Worker: No*

### Step 2: Determine Timeframe:

*Have you or anyone in your family worked in agriculture anytime in the last 2 years (24 months)?*

*H-2A Worker: Yes*

*H-2B Worker: No*

Although most H-2B workers may answer no to this question, it is important to gather additional information about past family employment to better determine this step.

### Step 3: Determine Migratory Status:

*Have you or anyone in your family established a temporary home in order to work in agriculture?*

*H-2A Worker: Yes*

*H-2B Worker: No*

Although most H-2B workers may answer no to this question, it is important to gather additional information about past family housing to better determine this step.

**For H-2A workers, the answer for the first three steps is yes. Therefore, H-2A workers can be classified as Migratory Agricultural Workers.**

**H-2B workers cannot be classified as agricultural workers.**

## Practice Scenarios

Here are two patient scenarios as examples for working through the verification steps.

**Scenario 1:** Juan migrated from Guadalajara, MX to Illinois under the H-2A visa program. He works on a farm picking apples. His contract runs from February to November. He has come to your health center to have a back injury evaluated.

Step 1: Establish Occupation: *Is agriculture the principal employment?*      **YES**

Step 2: Determine Timeframe: *Have you or anyone in your family worked in agriculture anytime in the last 2 years?*      **YES**

Step 3: Determine Migratory Status: *Have you or anyone in your family established a temporary home in order to work in agriculture?*      **YES**

Juan would be classified as a **migratory agricultural worker in UDS.**

**Scenario 2:** Manuel is also from Guadalajara, but he is contracted under the H-2B program. He works for a construction company in Idaho. His contract is also from February to November. He comes into your health center with symptoms of a cold.

Step 1: Establish Occupation: *Is agriculture the principal employment?*      **NO**

*Although Manuel does migrate to the U.S. for work, his job is in construction so he cannot move past the first step in the verification process.*

**Manuel would not be classified as an agricultural worker in UDS.**

## Tips & Resources

- Use the [How MSAWs Identify Themselves](#) resource to become familiar with how MSAWs commonly refer to themselves to better identify and classify H-2A workers that visit your health center.
- Use the [Ag Worker Identification Front Office Reference Sheet](#) to keep a running list of tasks and industries agricultural workers in your area participate in.
- Use [NCFH's H-2A Guest Worker Disclosure Data](#) to identify the number of H-2A workers in your county and their employers. Establish relationships with the employers (i.e. growers and contractors) to help your health center better access the MSAW population in your area.
- Use the [Department of Labor \(DOL\) website](#) to gather information about incoming H-2A workers to customize and develop specific outreach planning to this population.
- Use the [UDS Manual](#), page 41, to find the reporting requirements for Special Populations, specifically Migratory Agricultural Workers (line 14), Seasonal Agricultural Workers (line 15), and Total Agricultural Workers (line 16).

**For further questions and information, [contact NCFH.](#)**

## Resources

- <sup>1</sup> Simnitt, S., Castillo, M. Use of H-2A Guest Farmworker Program More than Triples in Past Decade. USDA Economic Research Service (2021). Accessed December 6, 2021. <https://www.ers.usda.gov/amber-waves/2021/september/use-of-h-2a-guest-farm-worker-program-more-than-triples-in-past-decade/>
- <sup>2</sup> Martin, P. Immigration and Farm Labor: From Unauthorized to H-2A for Some?. Migration Policy Institute. Published August 2017. Accessed December 6, 2021. <https://www.migrationpolicy.org/research/immigration-and-farm-labor-unauthorized-h-2a-some>.
- <sup>3</sup> Nisbet, E. *Policy and Low-Wage Labor Supply: A Case Study of Policy and Farm Labor Markets in New York State*. Washington: Employment and Training Administration, U.S. Department of Labor. (2011). Accessed November 23, 2021. [https://wdr.doleta.gov/research/FullText\\_Documents/ETAOP\\_2011-13.pdf](https://wdr.doleta.gov/research/FullText_Documents/ETAOP_2011-13.pdf)
- <sup>4</sup> Saadati-Soto, D. La Historia Se Repite: Parallels between the Bracero Program and the H-2A Visa Process Highlight the Need for a Decolonial Migrant Labor Policy. (2020). Available at Social Science Research Network. doi:10.2139/ssrn.3627782
- <sup>5</sup> H-2A Temporary Agricultural Program. Employment and Training Administration. U.S. Department of Labor. (2021). <https://www.dol.gov/agencies/eta/foreign-labor/programs/h-2a#>
- <sup>6</sup> National Council of Agricultural Employers. H-2A Program Statistics. (2022). <http://www.ncaonline.org/resources/data-and-statistics/>
- <sup>7</sup> Temporary Non-Agricultural Employment of H-2B Aliens in the United States; Interim Final Rule. Federal Register. (2015); 80 ( 82). Accessed January 13, 2022. <https://www.govinfo.gov/content/pkg/FR-2015-04-29/pdf/2015-09694.pdf>
- <sup>8</sup> Costa, D. The H-2B temporary foreign worker program. Economic Policy Institute. (2016). <https://www.epi.org/publication/h2b-temporary-foreign-worker-program-for-labor-shortages-or-cheap-temporary-labor/>
- <sup>9</sup> Data & Statistics. National Council of Agricultural Employers. (2021). Accessed December 6, 2021. <http://www.ncaonline.org/resources/data-and-statistics/>
- <sup>10</sup> H-2A: Temporary Agricultural Employment of Foreign Workers. Wage and Hour Division. U.S. Department of Labor. (2021) <https://www.dol.gov/agencies/whd/agriculture/h2a>
- <sup>11</sup> Fact Sheet: H2B Visas. National Immigration Forum. (2018). Accessed December 28, 2021. <https://immigrationforum.org/article/fact-sheet-h-2b-visas/>