

Housing Assistance Council  
Washington, DC  
[www.ruralhome.org](http://www.ruralhome.org)

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# RURAL RESEARCH BRIEF



## **Creating A Better Understanding of Farmworker Communities and Their Housing Conditions**

# **CREATING A BETTER UNDERSTANDING OF FARMWORKER COMMUNITIES AND THEIR HOUSING CONDITIONS**

The Housing Assistance Council

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April 2024

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HAC is a national nonprofit corporation that helps build homes and communities across Rural America. For over 50 years, HAC has supported local efforts to improve rural housing conditions.

HAC is an equal opportunity employer and housing provider.

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## **Executive Summary**

U.S. agriculture, a multibillion-dollar industry, has been made possible by cheap farmworker labor. As one of the most impoverished groups in the nation, farmworkers earn low wages and experience working conditions that hinder their ability to access affordable housing. This situation is further exacerbated by many legal, cultural, and geographic circumstances that often keep this population in the shadows of American society and contribute to their economic marginalization.

The Housing Assistance Council (HAC) has undertaken a review of U.S. farmworkers and their housing to provide a deeper understanding of these individuals, their historical impact, and their quality of life within this country.

### **The Social and Economic Characteristics of Farmworkers Have Shifted Over Time**

Harvesting crops is largely low-wage employment, but for many, it serves as a stepping-stone into higher-paid and better work options. While the economy and mechanization have reduced the need for farm labor, crops are largely still harvested by hand, and a substantial number of agricultural jobs still exist in the United States. A large proportion of the agricultural labor force are not native English speakers and/or are undocumented workers. As a result, farmworkers are at an increased risk of being victims of labor rights violations and targets of anti-immigrant sentiment. However, the COVID-19 pandemic highlighted the need for these farmworkers when access to food supplies was threatened, ultimately putting a brighter spotlight on these now essential workers' living and employment conditions.

### **Farmworker Housing Continues to Be Problematic Despite Shifts in Demographics**

Housing plays a key factor in the quality of life for farmworkers. The shift away from migrant labor toward a year-round workforce has created additional pressure on agricultural communities' housing stocks. With increases to the temporary visa workforce, employers' responsibility to provide free and regulated housing either on-site or within the nearby communities grows. As these trends persist, added stress is placed on rural communities already dealing with an inadequate farmworker housing stock.

## **Farmworker Housing Conditions Reveal Stark Inequalities for These “Essential Workers”**

Farmworkers are subject to many housing inequities. These include lack of basic amenities, crowded living quarters, and high housing cost-burdens. The COVID-19 pandemic highlighted farmworkers' value to the economy. In some locales, farmworkers are deemed “essential workers.” However, due to the nature of the work, the health risks of this industry are heightened. Workers are forced to work and live in close quarters, and their proximity to adequate health care, often in rural settings, make them more vulnerable than other populations.

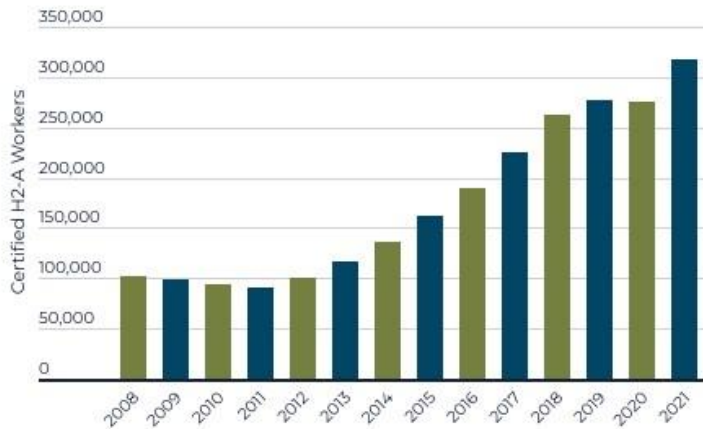
## **USDA Section 514/516 Farm Labor Housing Program is Not Keeping Up With Farmworker Housing Demand**

In rural communities, rental housing is less plentiful than in urban areas. The Section 514/516 program alleviates some of the barriers farmworkers face in finding safe, decent housing, such as high levels of poverty, the lack of affordable rental housing, and the inability to sign a full-year lease. However, similar to the private rental market, many of these programs and properties have strict requirements and restrictions as to who can occupy these units that often conflict with the unique conditions of the farm labor industry.

## **The H-2A Visa Program Has Transformed the Farm Labor Industry Over the Past Few Decades**

Agricultural guest worker or “H-2A” visas has generated increased controversy in the farm labor community over the past decade. The H-2A temporary foreign agricultural worker program allows agricultural employers to hire workers from other countries with temporary work permits to fill agricultural jobs for less than one year.<sup>1</sup> The temporary work visas can only be issued once an employer documents a labor shortage of U.S. citizens who are unwilling or unable to perform the task.<sup>2</sup> Under the program, employers must compensate workers with prevailing wages and guarantee minimum work hours. Additionally, employers hosting H-2A workers are required to provide housing free of charge to these workers. The guest worker program has grown substantially over the past few decades and has transformed the industry. Approximately 317,000 H-2A visas are issued for agricultural work annually in the United States.<sup>3</sup>

## H2-A Visas Have Transformed Farm Labor Certified H2-A Visa Workers, 2008-2021



Source: HAC tabulations of U.S. DOL's Employment and Training Administration Disclosure Data (FY2008-FY2021).

### Improved Data Will Help Improve Farmworkers' Quality of Life

To better understand farmworker housing conditions and overall quality of life, the methodology around data collection needs to be improved. Suggestions include:

- Including H-2A workers in the National Agricultural Worker Survey (NAWS).
- Expanding the NAWS questionnaire to include sections about living conditions.
- Additional changes to the NAWS methodology.
- Faster turnover of the most up-to-date farmworker data.
- Analyzing the housing affordability gap for farmworkers nationwide.
- Assessing farmworker subsidized housing.

### Federal, Regional, and Local Policies Need to Meet the Needs of Farmworkers Today

Farmworkers and their families disproportionately live below the poverty line in crowded and substandard dwellings. Investing in their housing opportunities is an issue of both basic human rights and also broader rural economic viability. Funding for USDA's Section 514 and 516 programs is significantly below the needed level to address the realities on the ground. Significant federal investment in all of the USDA Rural Housing Service (RHS) programs would benefit our nation's farmworker communities by increasing both rental and homeownership opportunities.

## Farmworkers in the United States

U.S. agriculture, a multibillion-dollar industry, has been made possible by cheap farmworker labor. This under-regulated and overlooked workforce is integral to the health and well-being of the nation. Although the total impact of COVID-19 is still unclear and inflation is affecting food prices, most Americans still enjoy an abundance of high-quality food at reasonable prices because of farmworkers. While no definitive figures are available, an estimated 2.5 million people work in fields, farms, and orchards in the U.S.<sup>4</sup> As of 2021, over 317,000 of these jobs are filled by holders of H-2A visas, temporary documents that allow foreign workers to come to the U.S. for an allotted amount of time.<sup>5</sup> As one of the most impoverished groups in the nation, farmworkers earn low wages and experience working conditions that hinder their ability to access affordable housing. This situation is further exacerbated by many legal, cultural, and geographic circumstances that often keep this population in the shadows of American society and contribute to their economic marginalization.

Farmworkers in the United States are often ethnic minorities or immigrants. Advancement in agricultural technology has challenged the traditional age and gender trends of previous decades, allowing older individuals and women to enter the workforce. Additionally, economic, political, technological, and national security dynamics are changing the landscape of migrant, seasonal, and foreign labor. Today, the farm labor population is more stable, experienced, and less mobile than 20 years ago. Although fewer farmworkers are following crops along the migrant streams, there is an increased reliance on the H-2A visa program to fill positions throughout the country. These developments are creating new and different demands on the

Unless otherwise noted, the figures and statistics in the farmworker analysis come from HAC tabulations of the 2019 to 2020 NAWS data. NAWS provides vital information on the conditions of farmworkers. However, these surveys have distinct limits. The NAWS provides data estimates for active farmworkers only, includes only limited information on the families of farmworkers, and contains virtually no data on the conditions of persons who were farmworkers in the past but have made the transition to other employment or on currently inactive, unemployed, or retired farmworkers. NAWS conducts surveys, not enumerations, so its data are not as representative as those of the decennial Census. The NAWS does not allow for an estimate of the total farmworker population or households.

industry and housing, as the conditions of substandard, unaffordable, and crowded housing remain unchanged for many farmworkers in America today.

Data for farmworkers are limited, and large-scale surveys and data collection instruments, such as the 2020 Census and the American Community Survey, provide little to no insight into the demographics of farmworkers. The National



Agricultural Workers Survey (NAWS) provides some, albeit limited, insight into the characteristics of farmworkers in the United States and serves as the basis of the information presented in this report. Administered by the U.S. Department of Labor, NAWS is an employment-based, random survey of the demographic and employment characteristics of the U.S. crop labor force. Since 1988, NAWS has been surveying crop workers annually and publishing periodic research reports and a public-use data set.

## Understanding Farmworker Dynamics Using the National Agricultural Workers Survey

Through the National Agricultural Workers Survey (NAWS), the U.S. Department of Labor (DOL) surveys 1,500 to 3,600 agricultural workers every year using multi-stage sampling. Farmworker demographics have progressively changed over the years, and there are now several different types of laborers. The U.S. Department of Labor (DOL) asks questions during its annual NAWS to categorize workers.

*Authorized workers* consistently provide answers that align with visa regulations, while *unauthorized workers'* answers are inconsistent with such regulations. Additionally, *migrant workers* are individuals who have reported jobs at least 75 miles from each other or have moved more than 75 miles to obtain work for 12 months. *Settled workers* have permanent living arrangements within 75 miles of their place of work. Although agricultural employers still rely on migrant farmworkers, the number of settled workers has steadily risen as growing and harvesting seasons change and become longer. Settled workers comprise more than 80 percent of this workforce, up 41 percentage points from 1996.

NAWS does not include H-2A workers. It is also essential to note that a worker cannot participate in the NAWS for the following reasons:

- Was interviewed by NAWS in the last 12 months in the same location;
- Works exclusively with livestock, other non-farm work, cannery/packing house, or landscaping company;
- Has not worked for the contracted employer in the last 15 days for at least four hours in one day;
- Is a member of the employer's family and does not receive the same salary or benefits as other workers;
- Is the employer; or
- Is a sharecropper involved in decision making.

## The Social and Economic Characteristics of Farmworkers Have Shifted Over the Last Few Decades

### Social Characteristics

Many national and international factors contribute to the evolution of farmworkers in the United States over several decades, including increased tensions around immigration policy and, more recently, the COVID-19 pandemic and the continuing battle against climate change. Temporary work visa programs have been around since the Bracero program was created in 1942 and, over the ensuing decades, immigration policy has increasingly affected agricultural work. As immigration laws began to be enforced by penalties on those who employed undocumented workers, the U.S. is increasingly reliant on the H-2A visa program to provide cheap labor, ultimately affecting farmworker employment patterns.

Like other industries, agriculture was substantially impacted by the COVID-19 pandemic. As supply chains were interrupted in 2020, some farmworkers were classified as “essential workers.”<sup>6</sup> While many Americans were quarantining and working from home, farmworkers were on the front lines, working to make sure the country had access to food staples and minimizing the gap caused by import/export disruptions. Working and living in close proximity to each other made it difficult for farmworkers to follow CDC guidelines. Although these conditions put farmworkers at special risk during the pandemic, the crisis highlighted the living conditions and health risks this community faces on a regular basis.

Climate change has altered growing seasons within the U.S. With longer growing periods, an increasing number of farmworkers are settling in one region for longer periods of time. In conjunction with other factors, this is shifting the demographics of farmworker populations. For example, families are now more prevalent than single men,<sup>7</sup> so much so that 57 percent of farmworkers identify as married in the 2019-2020 NAWS report.

Farmworkers in the United States are primarily ethnic minorities and immigrants. Approximately 78 percent of all farmworkers are of Hispanic heritage. Much has been reported about how the rapidly growing Hispanic population has impacted the face and the economies of many areas of the United States. The Hispanic population increased by nearly 12 million between 2010 and 2020 and now comprises 18.7 percent of U.S. residents. This growth accounts for 51 percent of the overall population growth in the United States throughout the decade.<sup>8</sup>

Fifty-six percent of farmworkers interviewed in the 2019-2020 NAWS have work authorization and 44 percent are unauthorized. Of those authorized workers, 36 percent are U.S. citizens. This rate has steadily increased from 22 percent in 1998 and 30 percent in 2009. Nineteen percent of the authorized workers are permanent residents, and 1 percent are authorized through a visa program. Eighty-five percent of U.S. citizens working in agriculture were born in the United States, and 15 percent are naturalized citizens.<sup>9</sup> Additionally, the share of “mixed status” families among

farmworkers has increased. In 1998 an estimated 4 percent of farmworkers lived in a household with both citizen and unauthorized family members.<sup>10</sup> According to the NAWS 2019-2020 data, 11 percent of farmworker households include mixed status families.

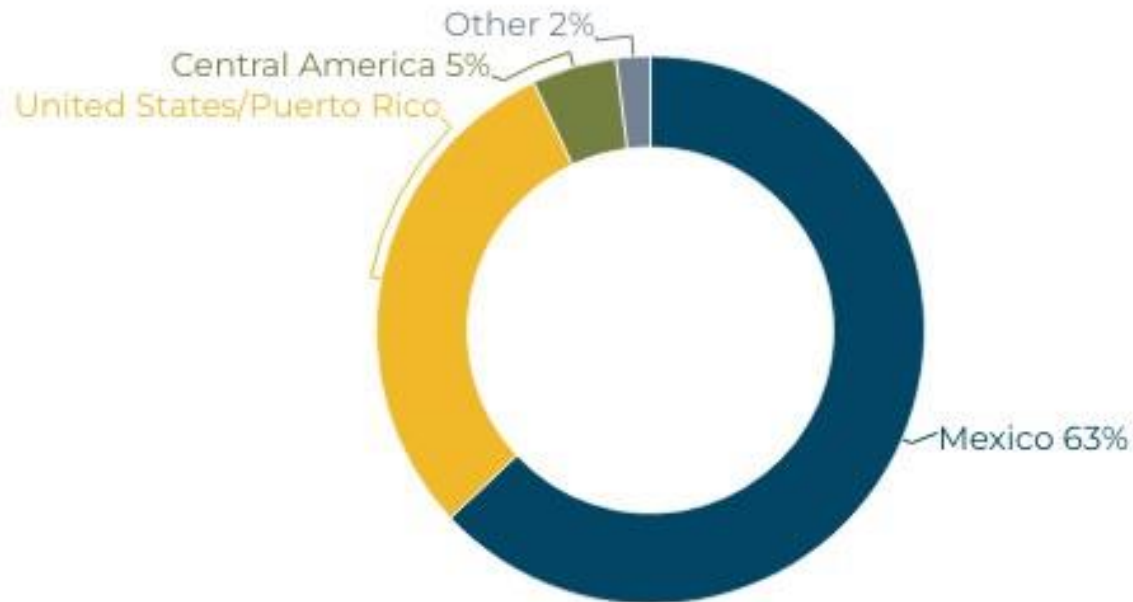
### **Farmworker Country of Birth**

Eighty-five percent of foreign-born farmworkers have been in the United States for at least 10 years. Residency figures signal a shift in the demographics of farmworkers, with farmworkers now entering the United States at a younger age and staying in this country longer than was once the case. Estimates indicate that in 1988, 27 percent of immigrant farmworkers had resided in the United States for over 15 years. More than 81 percent of immigrant farmworkers have lived in the United States for 15 years or more.

Consistent with the physical demands of their occupation, farmworkers are primarily adults who tend to be slightly younger than the general population. However, with increased demand, constrained immigration policies, and advancement in technology, the demographics of farmworkers are slowly changing. For example, in 1998, the median age of farmworkers was 31 years, but by 2019 the median age had increased to 39 years.

Farmworker households consist of a variety of family dynamics. Although some workers live as a family unit, others travel, work, and live alone or in groups of single men.<sup>11</sup> While the majority of farmworkers (66 percent) are males, the number of female workers is steadily rising. More than half of all farmworkers are married, 50 percent have children, and only 14 percent live away from all their minor children. An estimated 38 percent of all farmworkers are defined as “unaccompanied” farmworkers, indicating they live apart from all nuclear family members (e.g., parents, siblings, spouses, and children).

## Farmworker Country of Birth NAWS Respondents, 2019-2020



Source: HAC tabulations of U.S. Department of Labor NAWS 2019-2020 data.

### Economic Characteristics

While the economy and mechanization have reduced the need for farm labor, crops are largely still harvested by hand, and a substantial number of agricultural jobs still exist in the United States. Migration has traditionally been an element of farmworker life. Traveling to a particular geographic area to harvest crops for a temporary period was typical in past decades. Under this framework, migrant farmworkers were generally categorized according to one of three migration streams: East, Midwest, and West. During the winter, migrant farmworkers typically resided in their home-base communities in California, Florida, Texas, Mexico, or other Central American and Caribbean nations. They traveled northward along the respective streams to perform farm work.<sup>12</sup>

In the 21<sup>st</sup> century, due to climate change and advanced technology, harvesting seasons are becoming longer, and farmworkers are increasingly settling in and

traveling shorter distances to work while generally remaining in a specific geographic area. With time, the proportion of migratory farmworkers has declined substantially, and in 2019, an estimated 85 percent of farmworkers have remained in the same place throughout the year. The number of farmworkers reporting only one farm employer in the past year has increased in the past two decades. In 2019, as many as 83 percent of farmworkers had been hired by only one farm employer for the year, up from 65 percent in 1998.

An additional sign of greater stability in the farmworker population is increased work experience. In 2019, the average farmworker has 18 years of experience in farm labor, up substantially from an average of eight years of farm work reported in 1998. While work patterns are changing for this group, many farmworkers still travel to different regions and states following crop seasons and labor demand. Roughly 15 percent of farmworkers are still considered migrant workers.

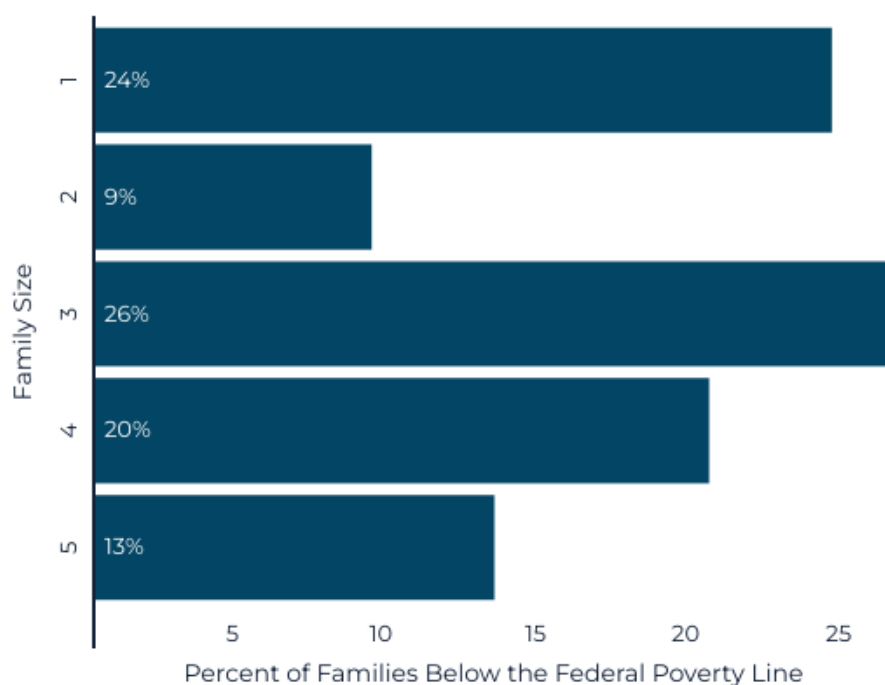
## **Farmworker Income**

Agricultural labor is largely low-wage employment. Farmworkers are among the poorest populations in the country. In 2019, the average individual farmworker earns between \$20,000 to \$24,999. To put these income levels into perspective, only 16.9 percent of all households nationally make under \$24,999 in 2019.<sup>13</sup> While farmworkers have meager incomes, their average hourly earnings increased nominally and in real terms over the past decade. The traditional farmworker earns an average of \$14.62 per hour in 2020, while an H-2A visa holder earns an average of \$13.68 per hour.<sup>14</sup> As of 2020, the average hourly wage for a U.S. citizen is \$27.07.<sup>15</sup>

Approximately 20 percent of farmworkers have below-poverty family incomes, roughly twice the national poverty rate. Poverty rates are decreasing for farm workers, however. In 1998, approximately 46 percent of farmworkers had incomes below the poverty level compared to 20 percent in 2020. The reduction is likely related to the greater stability of the labor force. Farmworkers are working more days of the year, earning higher wages, and living more often in two-income households

than in 1998.<sup>i</sup> All of these factors may contribute to the drop in farmworker households' poverty levels.

### Farmworker Families Below Poverty Line Total Family Income by Family Size, 2019-2020



Source: HAC tabulations of U.S. Department of Labor NAWS 2019-2020 data.

Farmworkers' usage of public assistance programs increased dramatically from 2007-2009 to 2017-2019. According to the 2017-2019 NAWS, an estimated 63 percent of farmworkers have been accessing public assistance programs, an increase from the 20 percent who used these services between 2007 and 2009. While contribution-based assistance such as unemployment insurance has remained constant, there has been a more marked increase in need-based assistance – Medicaid; the Special Supplemental Nutrition Program for Women, Infants, and Children program (WIC); and food assistance.<sup>16</sup>

<sup>i</sup> Farmworkers who did not have prior calendar year income are not included in the poverty estimates produced by the NAWS. This stipulation eliminates about 15 percent of all crop workers from NAWS data. If the earnings of these omitted workers were calculated, the share of farmworkers with incomes below poverty level would likely be higher.

# Farmworker Housing Conditions and Trends



Photo credit: Jackie Johnston/The Associated Press

## **Farmworker Housing Continues to Be Problematic Despite Shifts in Demographics**

The notable shift away from migrant labor toward a year-round workforce and the transition of farmworkers into other industries has added pressure on housing. The decrease in farmworker mobility has affected the cultural diversity and economic development of the communities in which they live while also adding to the strain on housing. As the temporary visa workforce increases, so does the responsibility of the employer to provide free and regulated housing either on-site or within the nearby communities. As these trends persist, added stress is placed on rural communities already dealing with an inadequate farmworker housing stock.

Because of the nature of their employment and working conditions, farmworker housing options are often substantially different from others nationwide in terms of the arrangement, costs, and quality. Substandard and structurally deficient conditions are endemic to farmworker housing and are often exacerbated by crowding and lack of affordability.

## **Housing Type Plays a Key Role in the Quality of Life for Farmworkers**

Farmworker housing has traditionally been categorized as “on-farm” (employer-provided) or “off-farm” housing. Although there has been a considerable shift away from on-farm housing to off-farm housing since the 1960s and 1970s, laws and regulations have been enacted to monitor the conditions of on-farm farmworker housing and accommodations.

The private market (for-profit owners) or the employer may provide farmworker housing. Most farmworkers (83 percent) access their housing through the private market. More than 53 percent of farmworker-occupied housing units are rented, and approximately 31 percent are owner-occupied.<sup>17</sup> With limited resources and increasingly tight demand the private housing market often fails to meet the needs of farmworkers.

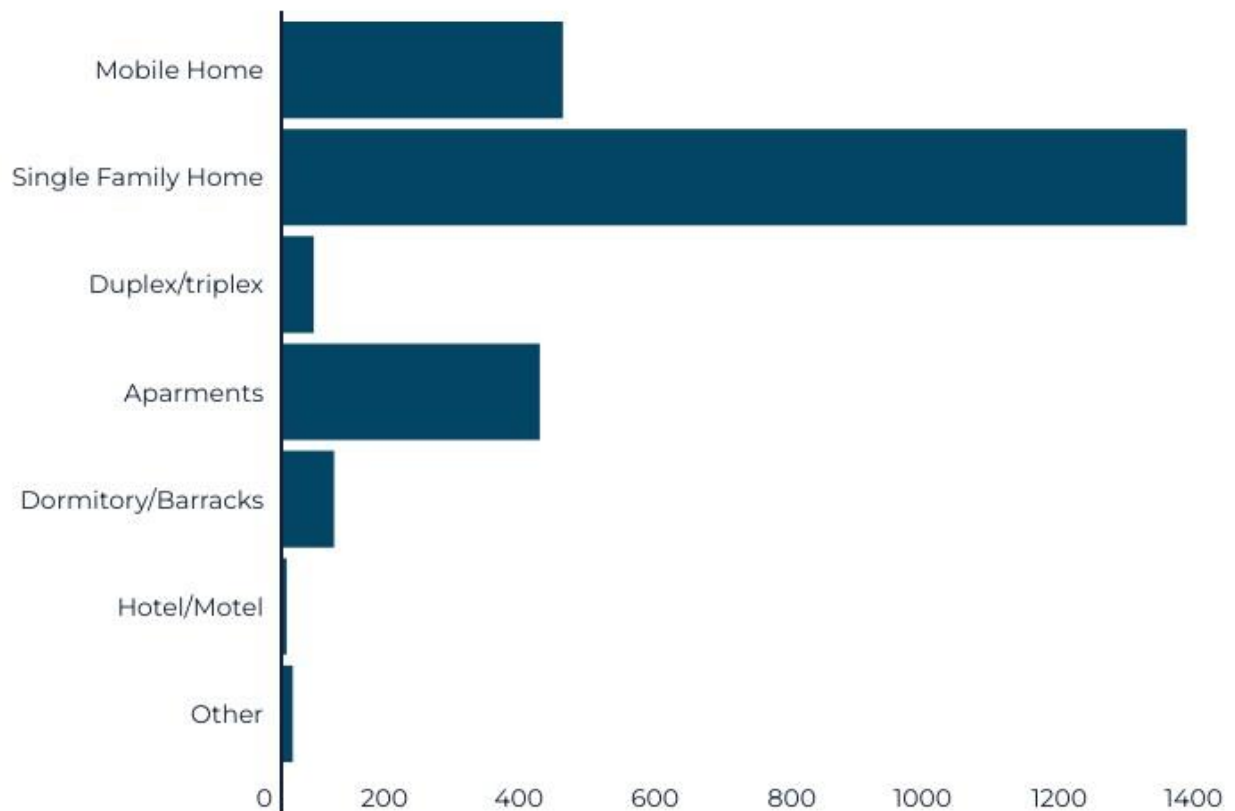
Roughly 14 percent of private farmworker housing units are employer-owned; among these, 11 percent are provided free of charge to the workers. The prevalence of employer-owned housing has declined markedly since 1995 when nearly 30 percent of farmworker units were owned by the employer. Employer-provided housing may be regulated to some degree for health and safety to protect workers. Employer-owned housing is not without problems, however. A situation with an employer as a landlord may compound an already asymmetric relationship. While



there have been many reports of housing violations,<sup>18</sup> some farmworkers may be uncomfortable complaining or making suggestions regarding housing to their employer.<sup>19</sup> Increasingly, regulations combined with the costs of administration and maintenance of housing have dissuaded many growers from providing housing to workers.<sup>20</sup>

## Farmworker Housing Structure Type

Based on NAWS 2017-2018 Data



Source: HAC tabulations of U.S. Department of Labor NAWS data set 2017-2018. The 2019-2020 survey did not survey housing types.

Although farmworkers are much more likely to rent their homes than other U.S. residents as a whole, with increased stability, farmworkers own homes at higher rates than ever before. Around one-third of farmworkers reported owning a home or manufactured home in the United States, compared to nearly two-thirds of all households in the United States. Similarly, around 35 percent of farmworkers are estimated to own a home in another country.

## **Farmworker Housing Conditions Reveal Stark Inequalities for These “Essential Workers”**

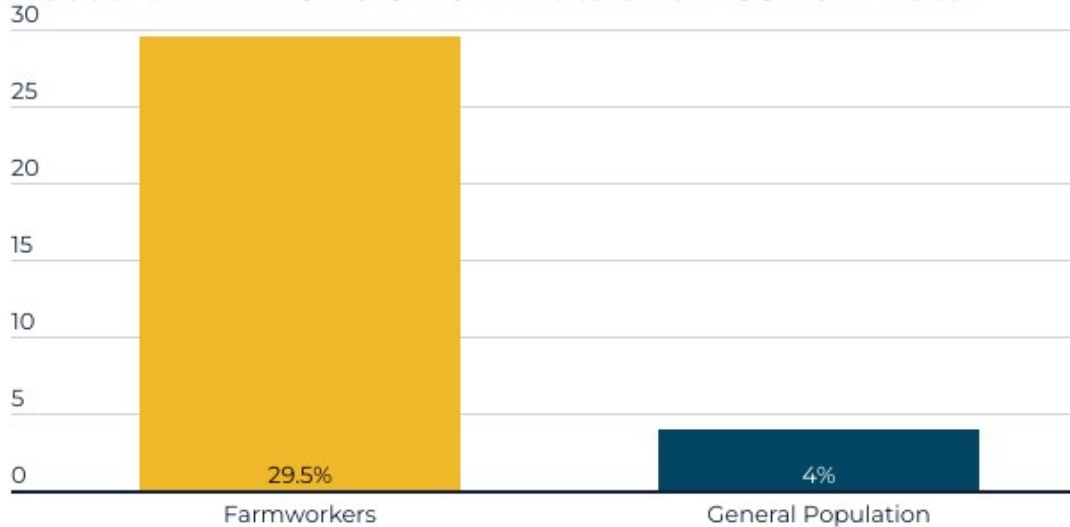
Farmworkers are subject to many housing inequities. These include lack of basic amenities, crowded living quarters, and high cost burdens, among many other housing challenges. Adequate facilities like kitchens, bathrooms, and bedrooms are essential to healthy and sustainable living. Approximately 1.4 percent of farmworkers surveyed through NAWS indicate that their living quarters do not have a kitchen in the unit. Another 1 percent of farmworkers do not have bathroom access in their homes. Although the number of bedrooms does not indicate whether or not there is adequate space within the home, 97 percent of households have one to four rooms dedicated as bedrooms. In a farmworker housing survey conducted by the Oregon Housing and Community Services, the most common reported housing issues include a lack of privacy, inadequate weatherization, deteriorating paint, and the presence of mold.<sup>21</sup>

## **Farmworkers Consistently Experience Crowded Living Conditions Compared to the Rest of the Nation**

Farmworkers are more likely to face housing crowding because of their low incomes and lack of quality and affordable housing options. Crowded units are defined as those with more than one person per room (excluding bathrooms). Excluding dormitories and barracks (structures designed for high occupancy), almost 30 percent of farmworkers live in crowded conditions, compared to 4.2 percent of United States households. Migrant workers are more likely to live in a crowded dwelling (39 percent) than settled workers (28 percent). At the same time, unauthorized workers are nearly twice as likely to live in crowded housing (41 percent) as authorized workers (21 percent). While many farmworker housing units are crowded, crowding is even more significant in some housing types. Just under 40 percent of apartments housing farmworkers and 38 percent of duplexes contain more than one person per room.

# Farmworkers Living in Crowded Living Arrangements

Based on NAWS 2019-2022 Data and ACS 2021 Data



Source: HAC tabulations of U.S. Department of Labor NAWS 2019-2020 collection and 2021 ACS data.

## Overcrowded Living Conditions and Housing Affordability Challenges Align

The NAWS indicates that less than 1 percent of workers are making below minimum wage, but 100 percent of those that mentioned receiving below minimum wage are in overcrowded living conditions. Nearly 29 percent of those making at least minimum wage or above are also experiencing crowded living conditions. Additionally, just over 20 percent of farmworker families live below the poverty line, making adequate housing difficult to afford.

According to the DOL's Findings Report for the 2019-2020 NAWS, over half of farmworkers pay \$600 or more for their monthly housing (excluding utilities costs).<sup>22</sup> Twelve percent of these households are below the poverty line. This does not include the additional housing costs incurred by migrant farmers, who tend to pay for both their accommodation while working and also their family's housing in their home-base location. The Oregon Housing and Community Services Study found that nearly all farmworkers in the four counties covered are housing cost burdened.<sup>23</sup>

Substandard and structurally deficient conditions are endemic to farmworker housing and they are often exacerbated by crowding or lack of affordability. These units with numerous serious problems are often home to children, with 50 percent of farmworkers being parents. As nonprofit organizations and advocacy groups work to provide case studies, surveys, and resources on farmworkers, consistent national surveys need to track farmworker housing trends.

## **Housing Concerns Uncover Health Safety Issues**

The COVID-19 pandemic highlighted the invaluable need for farmworkers by deeming them “essential workers” in some locales. They faced an increased risk of contracting COVID-19 with limited medical resources.

Due to the nature of farm work, the health risks of this industry have been heightened, such as exposure to pesticides and other hazards of the fields. Farmworkers operate and live in close quarters, and their proximity to adequate health care, often in rural settings, make them more vulnerable than other populations during the health emergencies.

Additionally, when analyzing the health and safety of farmworkers, it is imperative to take into consideration their medical needs. Nearly 75 percent of farmworkers stated they have to pay for medical bills out of pocket, rely on free clinics or support from family members, or use other public services to pay for their healthcare. Under 16 percent stated having an employer-provided health plan. When asked about the major barriers to accessing healthcare, farmworkers noted that service providers often do not speak their language, the distance to the healthcare center is too far, or they are worried about not having identification.<sup>24</sup>

## **USDA's Section 514/516 Farm Labor Housing Program is Not Keeping Up with Farmworker Housing Demand**

Less than 1 percent of farmworkers are estimated to receive any form of affordable housing assistance from a state, local, or federal government entity.<sup>25</sup> Furthermore, because private housing is typically not subject to standards or regulations and rural areas are dealing with an older housing stock, units available to farmworkers may be substandard or expensive.

Federally subsidized rental housing for farmworkers can be financed through the U.S. Department of Agriculture's Section 514/516 loans and grants for purchase, construction, or and repair. Employers may obtain Section 514 loans to provide on-farm housing for their workers, and nonprofit organizations are eligible for Section 514 loans and Section 516 grants for off-farm housing. The Section 514/516 program alleviates some of the barriers farmworkers face in finding safe, decent housing, such as the lack of affordable rental housing and the inability to sign a full-year lease.

Similar to the private rental market, many of these programs and properties have requirements as to who can occupy these units that often conflict with the unique conditions of the farm labor industry, including a citizenship or documentation requirement.<sup>26</sup>

H-2A visa holders are technically allowed to occupy Section 514/516 Farm Labor Housing; however, because the H-2A program requires landlords to identify housing for their workers in advance and the Section 514/516 program does not allow landlords to pre-lease units, H-2A workers miss out on this opportunity. Even if H-2A workers were able to access Section 514/516 units, in some parts of the country this housing stock is already scarce and its use for H-2A workers would leave limited options for in-country farmworkers.

The USDA Section 514/516 farm labor housing stock is small but important. The program finances less than 1,000 new units per year, on average.<sup>27</sup> While some USDA properties are employer-managed and located on-farm, the majority of the 514/516 units are located off-farm. Off-farm housing is located primarily in the West and in the states of California, Florida, and Texas. Even though there have been moderate increases in overall funding throughout the years, the development of new units of Section 514/516 Farm Labor Housing has been steadily dropping. This decrease in housing unit development may be due partially to the fact that development funding has not kept pace with rising development and construction costs due to inflation and exacerbated by the COVID-19 pandemic. This decline culminates in an aging housing stock with the majority of units over 25 years old.<sup>28</sup>

# USDA Section 514 in North Carolina

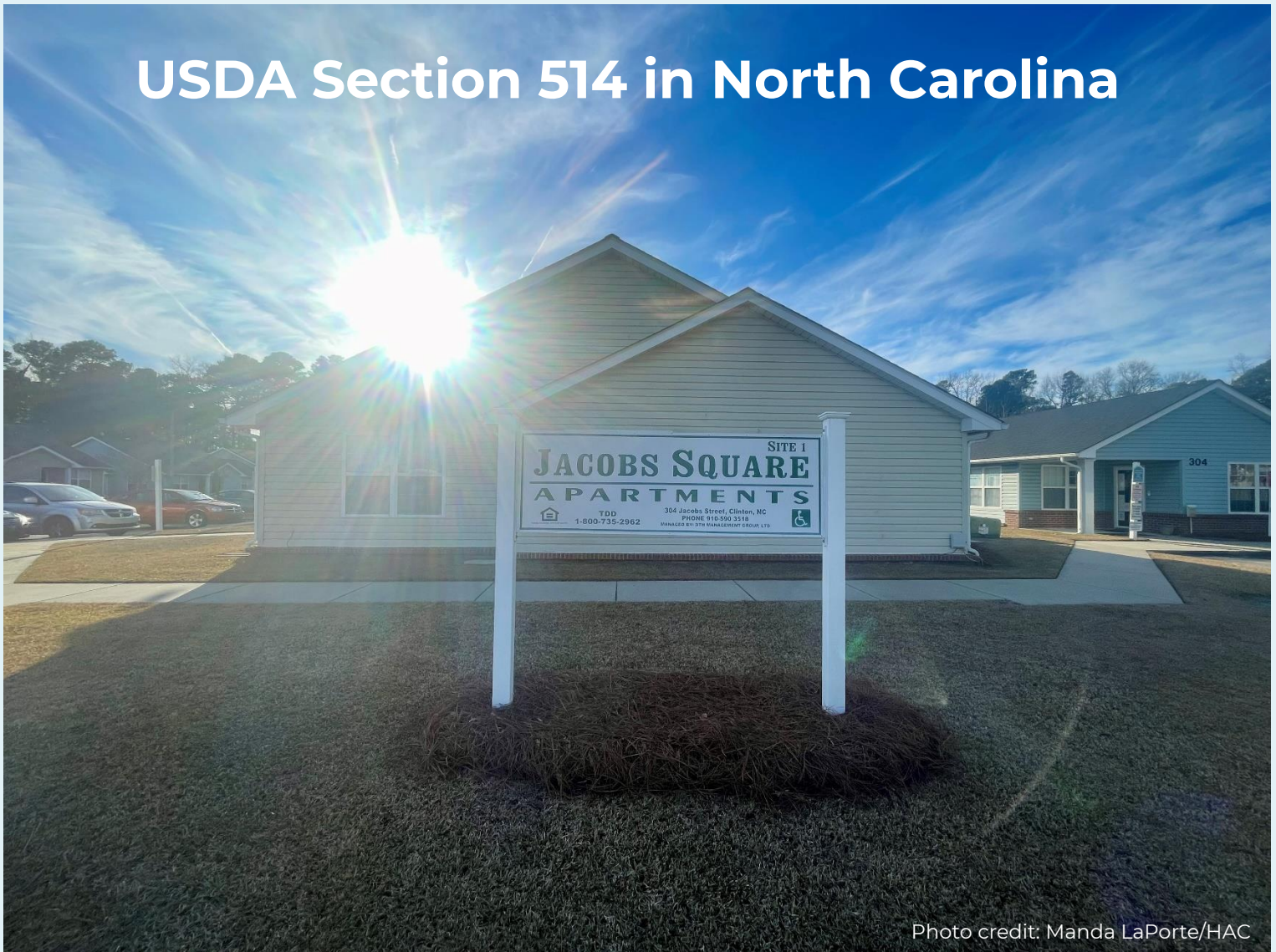


Photo credit: Manda LaPorte/HAC

*Section 514 Property in North Carolina*

According to USDA Rural Development data, as of January 2024, North Carolina has only four active Section 514 properties, with a combined 99 units, surprisingly few for a state where agriculture is a large industry. One of these properties is located in Clinton, NC, a rural community surrounded by farmland. Jacobs Square Apartments includes 21 units (one or two bedrooms each), a children's playground, parking, and easy access to the main road. Although this property is a shining example of how Section 514 housing should be done, unfortunately, there is simply not enough available. According to the management company, unoccupied units at Jacobs Square Apartments have never been an issue. No new Section 514 properties have been developed in North Carolina since 2005, further limiting the state's housing stock and resources available to their farmworker community.

# H-2A Visa Program and Farmworkers

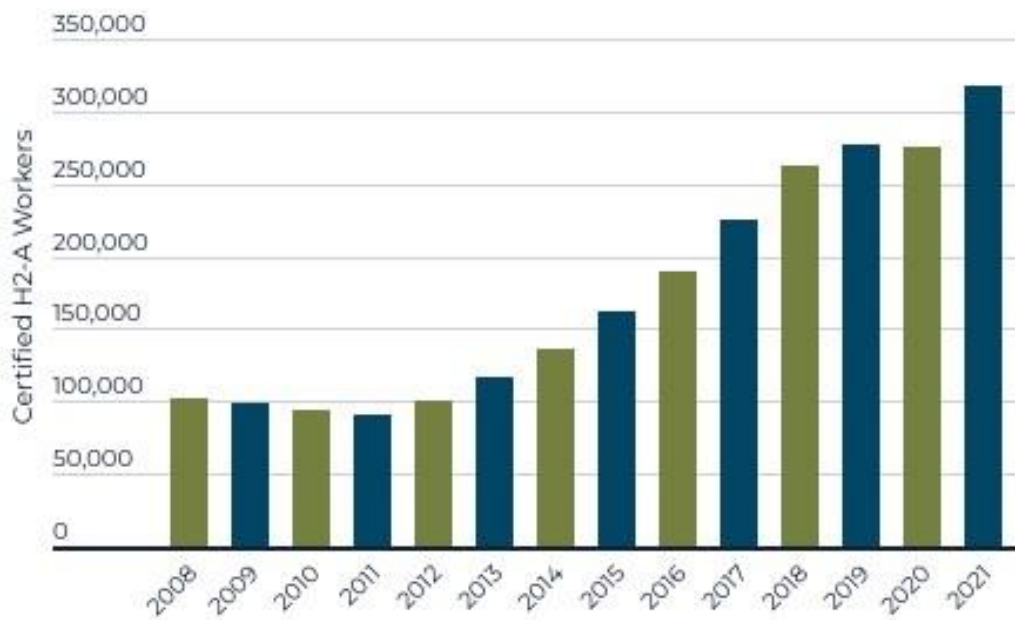


Photo credit: Mark Miller Photos/Getty Images

## H-2A Visa Program and Its Impact on Farmworker Housing

The agricultural guest worker or “H-2A” visa program has grown substantially since its inception and approximately 317,000 H-2A visas are issued annually.<sup>29</sup> The H-2A temporary foreign agricultural worker program allows agricultural employers to hire workers from other countries with temporary work permits to fill agricultural jobs for less than one year.<sup>30</sup> The temporary work visas can only be issued once an employer documents a labor shortage of U.S. citizens who are unwilling or unable to perform the task.<sup>31</sup> Under the program, employers must compensate workers with prevailing wages and guarantee minimum work hours.

### H2-A Visas Have Transformed Farm Labor Certified H2-A Visa Workers, 2008-2021



Source: HAC tabulations of U.S. DOL's Employment and Training Administration Disclosure Data (FY2008-FY2021).

The H-2A program requires employers to provide free housing and transportation or pay for workers’ housing and travel costs. Additionally, the housing must be inspected and certified in advance to ensure that it complies with applicable health and safety standards. While these obligations are intended to promote the safety



and well-being of guest workers, abuses of the program and employees have been reported.<sup>3233</sup>

In 38 states, there is no regulation of farmworker housing or a dedicated agency to perform the required inspection. In addition, states that do have housing inspection systems in place are often under-resourced. For example, the Texas Department of Housing and Community Affairs (TDHCA) has \$30,000 budgeted per two years. This minimal oversight was likely a contributing factor to TDHCA's lack of enforcement against operators of failed inspections where 9 out of 10 migrant farmworkers did not reside in licensed housing.<sup>34</sup> H-2A employers are subject to the Employment and Training Administration (ETA) and Occupational Safety and Health Administration (OSHA) housing standards if the housing is not a private rental or public accommodation. State and local housing standards apply if the employer uses rental housing or public accommodations. If there are no state or local standards, OSHA housing standards apply.

The average H2-A worker is in the United States for around six months.<sup>35</sup> For the number of such workers in the country in 2020, this is equivalent to 125,000 year-round jobs. H2-A workers comprise 11 percent of U.S. crop agriculture's 1.1 million full-time employment (FTE) jobs. Over half of the H-2A jobs are distributed among five states, California, Florida, Georgia, North Carolina, and Washington.<sup>36</sup> Visa expiration dates are authorized on the temporary labor certification with the possibility to extend in one-year increments, up to three years maximum. A holder may reapply after three years, but only after returning to their country of origin for three uninterrupted months. In 2018, only 3 percent of H-2A workers are female and the majority of visa holders (24.5 percent) are between the ages of 25 and 29.<sup>37</sup> In fiscal year 2021, 80 percent of H-2A jobs have been certified and issuance visas.<sup>38</sup>

The remote and rural nature of many facilities housing H-2A workers contributes to the potential for abuses by employers. Furthermore, with the considerable growth in workforce visas, competition for housing options, which are scarce in many communities, has grown between guest visa holders and non-H-2A farmworkers.<sup>39</sup>

## **Data for H2-A Housing is Currently Minimal**

Minimal data is available on H-2A farmworker housing. The Employment and Training Administration under the U.S. Department of Labor provides some information on H-2A workers, also known as Disclosure Data, mainly to keep track of the number of certified visa holders. This Disclosure Data provides information extracted from nonimmigrant and immigrant applications within the Foreign Labor Certification's management systems. Since this information is provided by "employers and system-generated metadata," it is riddled with inconsistency, making the data harder to parse through.

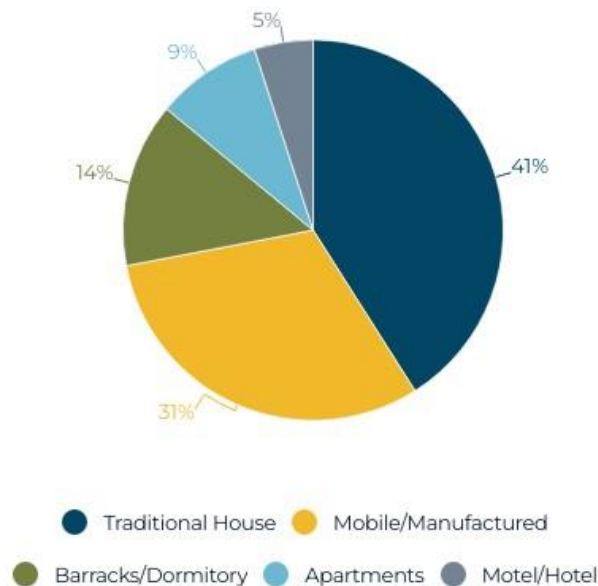
HAC analyzed the Disclosure Data reports for Fiscal Year 2022 and Quarter 1 of Fiscal 2023. This dataset provides some baseline information. It is important to note, however, that it is generally considered to be lacking any meaningful understanding of H2-A worker conditions. The data points are recorded directly from the employers, and variables are often inconsistent. For example, although there is a housing type variable to determine the type of structure a worker may live in, there are 888 unique housing types. Depending on the spelling, a housing type can be duplicated multiple times (e.g., a mobile home has over 49 unique variables to choose from). Additionally, housing compliance data also seems to be self-reported. This calls into question the accuracy of the data.

### H-2A Housing Types Do Not Align With the Visa Program Goals

The most common housing types appear to be traditional houses, mobile/manufactured homes, apartments, barrack-style or dormitories, and motels/hotels. Again, the exact percentages are unclear. The accompanying graph attempts to break down the unit types.

## H-2A Housing Types

U.S. DOL, Employment and Training Administration  
Disclosure Data, FY 2022



Source: HAC tabulations of U.S. Department of Labor, Employment and Training Administration's FY 2022 and 1<sup>st</sup> Quarter of FY23 Disclosure Data.

Unfortunately, no dataset provides conclusive information about the housing conditions of H-2A workers. The U.S. DOL's Employment and Training Administration Disclosure Data offers even less than the NAWS. However, organizations such as Farmworker Justice and Centro De Los Derechos Del Migrante, Inc. have provided some insight into H-2A farmworker housing conditions.<sup>40</sup> Substandard housing, inadequate waste and garbage disposal, and agricultural pesticides are negatively impacting farmworkers' and their families' living and working conditions. A Centro De Los Derechos Del Migrante study reports that 45 percent of H-2A farmworkers described their housing accommodations as overcrowded and unsafe. Additionally, 30 percent stated they saw no indication that government inspectors have ever visited, although such checks are required by H-2A program regulations. H-2A workers are more likely to live in dormitory or barrack-style accommodations than non-H-2A workers. The 2019-2020 NAWS data revealed that farmworkers in dormitory or barrack-style living arrangements are the most likely to experience substandard living conditions, with nearly 54 percent reported living in overcrowded conditions.<sup>41</sup>

The U.S. DOL does ask H-2A visa holders' employers or representatives whether the housing provided meets the requirements laid out by the local, state, and federal governments, and the Disclosure Data includes their answers. It also contains some written descriptions, such as the following.<sup>42</sup>

*“Operational Hotel. 4 employees per room; no kitchen facilities. Laundry on-site. Hotel is in city limits within walking distance to stores.”*

*“Property consists of 1 single-family home (Occupancy: 12) and a Mobile Home (occupancy 10).”*

*“Bunkhouse - Housing Capacity - 100 persons”*

Based on this information alone, these living arrangements seem likely to be overcrowded. Employer responses to DOL indicate that H-2A housing compliance seems to be at its highest at the federal level, with 95.4 percent meeting regulation standards. The more localized the perspective, the less compliant these housing units are. For example, nearly 9 percent of the H-2A housing units at the state level do not meet housing requirements compared to the 4.6 percent at the federal level. Furthermore, 14.4 percent of the H-2A housing units do not comply with local regulations.

# Improving Farmworker Housing: Discussions and Considerations



Photo credit: Cody Jackson/AP

## Better Data Will Help Inform Strategies and Solutions That Improve Farmworkers' Housing

In order to better understand farmworker housing conditions and overall quality of life, the methodology and effort around data collection needs to be improved. Currently, NAWS is the only national survey of farmworkers. However, as mentioned previously, NAWS has limitations. While these obstacles can be overcome, it will take several vital steps.

- **Include H-2A workers in the NAWS.** Even though the number of H-2A workers has steadily been increasing, the program is not being properly tracked and little information is available. By including H-2A workers in the NAWS, the DOL will provide a more accurate analysis of agricultural workers today. The program requires employers to provide free housing or pay for workers' housing that is regulated. Including H-2A workers on the NAWS would increase awareness about compliance with program regulations.
- **Expand the NAWS questionnaire to include more detailed data about housing conditions.** The questions currently on the NAWS surrounding housing provide minimal insight into farmworkers' living conditions. Expanding the survey to include common housing issues and general housing quality assessments consistent with large scale data collection instruments such as the Census Bureau's American Community Survey or HUD's American Housing Survey will generate more robust data that can inform stakeholders.
- **Additional changes to the NAWS methodology.** Although we don't have an exact number, there are approximately 2.5 million farmworkers across this country. However, each year only 1,500 to 3,600 workers are interviewed during a NAWS cycle across the 12 regions aggregated by USDA.<sup>43</sup> Along with expansion to the NAWS questionnaire and including H-2A workers, the methodology behind the data needs to be modernized in order to paint a clearer picture of both regional and national farmworker conditions. Shifting from the designated sample regions to sampling each state separately will provide more specific information for local and state governments. Additionally, increasing the sample size of the NAWS will reduce generalizations and biases within the data.
- **Faster turnover of the most up-to-date farmworker data.** NAWS cycles span a 2-year period. Once the data is collected and processed by the DOL it is then made available to the public. While this process is understandable, it has become increasingly delayed. As of this report, the most recent NAWS data available is from the 2019-2020 NAWS cycle – meaning that neither the 2021-2022 nor the 2023-2024 survey data is available to the public. Although the

COVID pandemic is likely the key factor in the delay of information, withholding these reports for such an extended amount of time, restricts organizations, advocates, and governments from properly assessing the current state of farmworkers living and working conditions.

- **Analyze the housing affordability gap for farmworkers nationwide.** A case study from Oregon showed a significant affordability gap for farmworkers and the market rate housing market. With the average farmworker making \$20,000 to \$24,999 annually, this financial gap is likely consistent throughout the country. With accurate figures, farmworkers and farmworker organizations would be better equipped to advocate for fairer wages, lower housing costs, or both.
- **Assess farmworker subsidized housing.** In addition to increasing the availability of affordable homes, such as Section 514/516 units, better understanding of the unique dynamics of the federally assisted housing stock is crucial. Better data provision and analysis on elements of this stock including the location, ownership structure, availability of rental assistance, cross subsidy, mortgage and maturing mortgage status, physical quality and capital needs of the stock, and waitlists for units will help visualize and better administer these public resources for local farmworkers and farmworker communities.

## **Local, Regional, and National Policies and Resources Should Consider the Unique Housing Needs of Farmworkers**

With the prevalence of crowded, substandard, and unaffordable farmworker housing conditions, increased recognition and investment in housing for farmworkers is critical. This investment should be multifaceted and come from private as well as public sources. The agricultural industry, from local growers to multinational corporations, has a responsibility to ensure that an integral element of its workforce is appropriately compensated, housed, and protected. Additionally, farmworker housing needs have long outpaced the federal funding offered to improve the housing conditions.

- **Investing in farmworker housing opportunities.** It is a stark reality that less than 1 percent of farmworkers in the U.S. are estimated to receive any form of affordable housing assistance from a state, local, or federal government entity. These workers and their families disproportionately live below the poverty line in crowded and substandard dwellings. And on a macro level, these workers fuel our rural farming economies and our national food system. Investing in

their housing opportunities is both an issue of basic human rights and of broader rural economic viability.

- **Utilize data to address regional housing challenges.** The agricultural industry looks different from coast to coast, state to state. These differences create a variation in housing needs. States like California and Washington have a higher number of H-2A workers who require unique housing accommodations. These housing needs may look drastically different for farmworkers in West Virginia and Ohio, states that have relatively lower numbers of H-2A workers but are still struggling with their farmworker housing stock. Equipped with the proper information, local, regional, and national governments need to tailor funding opportunities and policies to address the specific needs of each region and their farmworkers.
- **Increase support of all USDA Rural Housing Service Programs.** Significant federal investment in all of the USDA Rural Housing Service (RHS) programs would benefit our nation's farmworker communities by increasing both rental and homeownership opportunities. Funding for USDA's Section 514 and 516 programs – the only federal programs that provide affordable financing to purchase, construct, or repair rental housing specifically for America's farm laborers – is significantly below the needed level to address the realities on the ground.
- **The U.S. Department of Housing and Urban Development (HUD) can also contribute to improving farmworker housing conditions.** Some HUD programs, such as HOME and CDBG, have been used to develop farmworker housing, often in conjunction with USDA resources. Some farmworkers receive rental assistance through HUD resources such as housing vouchers. With more targeting from targeting through these, and other HUD resources work towards improving farmworker housing conditions. Additionally, greater resource allocation and promotion of HUD's Southwest Border Region, Colonias and Migrant/Farmworker Initiatives (SWBR) would enhance the utilization of HUD resources and how they may be most effectively delivered for Farmworkers.
- **Greater transparency and enforcement of H-2A housing requirements would improve housing conditions and rights for an increasing number of farmworkers.** As shown through the study conducted by Centro De Los Migrante, INC., the H-2A guestworker program has been riddled with issues since its inception, especially housing.<sup>44</sup> The lack of transparency and enforcement around H-2A housing requirements has created environments where these workers are living in unsafe conditions. Adequate funding is imperative if states wish to provide and maintain sufficient oversight of their

H-2A housing regulations. Additionally, increased penalties are need if H-2A housing fails inspection in order to dissuade employers from cutting corners.

- **Rural Homeless Providers Should Recognize Farmworkers as part of the “hidden homeless” and direct homeless resources to this population.**

Precariously housed households need homeless services as well. Rural Continuum’s of Care (CoCs) have proven capable of meeting clients where they are, and the state should consider expanding their programming to include farmworkers. CoCs and in particular ‘Largely Rural CoCs as identified by HUD needs to include an approach to outreach and housing services that includes farmworkers. Whether or not this is coordinated with the Department of Labor, CoCs should consider expanding rural homeless programming to include oversight and resources of farmworker housing to better protect this vulnerable and at-risk populations from homelessness.



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