

BRIEFLY...

Highlights of Report Number: 04-04-008-03-325, a report to the Assistant Secretary, Employment and Training Administration. March 31, 2004.

WHY READ THE REPORT

The H-2A foreign labor certification program allows agricultural employers who expect difficulty hiring U.S. workers to petition the Bureau of Citizenship and Immigration Services for permission to bring nonimmigrant aliens into the country for temporary work. The Department of Labor's (DOL) Employment and Training Administration (ETA) is responsible for approving employers' applications that may ultimately allow aliens to work in the United States.

The OIG identified the integrity of foreign labor certification programs as a top management challenge facing DOL in 2004. Employers' inflated requests for temporary workers can create an artificial oversupply of laborers, encourage workers to abandon their jobs, and result in illegal immigration.

WHY OIG CONDUCTED THE EVALUATION

In response to a complaint, OIG evaluated the North Carolina Growers Association (NCGA) Temporary Agricultural (H-2A) program activities for 2001. ETA approved 40 certification applications from NCGA for work to begin and end during 2001. NCGA used these certifications to employ nearly 8,500 workers in tobacco and related crop industries, or nearly one-third of the number of H-2A workers admitted nationwide. The complaint alleged that NCGA did not properly report workers who abandoned their jobs to the appropriate state and Federal agencies and falsified expected periods of employment.

READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response, go to:

<http://www.oig.dol.gov/public/reports/oa/2004/04-04-008-03-325.pdf>

MARCH 2004

TEMPORARY AGRICULTURAL (H-2A) PROGRAM REQUIRES STRONGER MONITORING BY ETA

WHAT OIG FOUND

OIG found that NCGA:

- Did not accurately report workers who abandoned their jobs to the state employment commission.
- Failed to report abandonments to the Bureau of Citizenship and Immigration Services (BCIS), as required.
- Requested some workers for longer periods than needed, a practice that may have contributed to increased abandonment rates.
- Overstated the number of workers requested on its applications to accommodate expected abandonments.

WHAT OIG RECOMMENDED

We recommended that the Assistant Secretary for ETA implement a plan to stringently monitor NCGA's use of the H-2A program. Specifically, we recommended that ETA:

- ensure that NCGA complies with requirements to accurately report workers who abandon their jobs or terminate early;
- coordinate reporting requirements with BCIS;
- ensure that NCGA requests only the numbers of workers growers actually needed; and
- require NCGA to more accurately reflect dates workers are needed for harvests.

In its response, ETA agreed to reinforce its policy to verify that employers' dates of need are reasonable and correlate with historical practices. ETA's response did not cause the OIG to change its recommendations.