



BRIEFLY...

ETA CAN IMPROVE ITS MANAGEMENT OF THE H-2A PROGRAM

Why We Did the Audit

The Employment and Training Administration (ETA) Office of Foreign Labor Certification is responsible for administering DOL's H-2A Temporary Agricultural Program, including reviewing applications and issuing temporary labor certifications. The program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the United States (U.S.) to perform agricultural labor or services of a temporary or seasonal nature.

Based on 20 C.F.R. Part 655 and Departmental regulations that provide worker protections and employer requirements concerning wages and working conditions, we performed an audit to answer the following question:

Did ETA's management of the H-2A program ensure employers properly recruited U.S. workers, paid the prevailing wage, and provided proper housing to foreign workers?

What We Found

We found, based on our review of sampled H-2A applications, that ETA's management of the H-2A program generally ensured applications were in compliance with 20 C.F.R. Part 655 for properly recruiting U.S. workers, paying the prevailing wages, and providing proper housing to foreign workers. However, improvements can be made

to ensure prevailing wages are correctly paid and sufficient post adjudication reviews are completed.

Our audit found 5 of the 45 (11 percent) certified H-2A applications reviewed were certified with the incorrect prevailing wage at the time of certification. ETA's decision to not require the employer to modify the application to the correct prevailing wage creates the risk that foreign workers may not be paid correctly and fails to capture the correct wage as part of the certified case file.

Furthermore, our audit concluded that the number of post adjudication audits performed represented a small portion of the universe of applications certified during the period of January 1, 2022, through March 31, 2023. While ETA conducts these audits to enhance the integrity of its program, the agency had not properly updated its formal methodology or process for establishing the number of post adjudication audits to perform based on a determination of risk.

For the post adjudication audits reviewed, we identified ETA did not obtain sufficient documentation from employers. In 5 of the 6 (83 percent) post adjudication audits we reviewed, employers did not provide sufficient documentation to determine whether employees were properly compensated for wages earned and other expenses. Additionally, we found analysts did not provide a rationale or evidence to document how they determined employers' compliance with program requirements reviewed. ETA has no specific and standardized guidelines that an analyst must follow. As a result, ETA may face a higher likelihood of program non-compliance and may be unable to verify if employers properly recruited U.S. workers, paid the prevailing wage, and provided proper housing to foreign workers.

What We Recommended

We made four recommendations to ETA to improve program integrity by enhancing and implementing written procedures to ensure: (1) H-2A applications have the correct wage information when certified by analysts, (2) post adjudication audits target a representative number of applications for the level of risk in its application process, (3) analysts obtain sufficient evidence of payment of wages and expenses, and (4) analysts provide a rationale and obtain evidence to document how they determine employers' compliance with the program requirements reviewed. ETA agreed with two recommendations and partially agreed with the other two recommendations. We will monitor ETA's corrective action plans to resolve the recommendations.

Read the Full Report

For more information, go to:

<https://www.oig.dol.gov/public/reports/oa/2025/06-25-001-03-321.pdf>.