International Fruit Tree Association

# National Labor Update: H-2A Landscape, Wage Rates, and Forecast

Navigating Wage Volatility, Enforcement Trends, and Strategic Planning for the 2026 Season



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# Agenda

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04 Domestic Enforcement

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OVERVIEW of H-2A Process

# H-2A employers have 75 days to navigate 4 government agencies




Target ETA-790 filing date

Last day to file ETA-790

Last day to emergency file ETA-790

Last day to submit 9142A

Target Labor Certification date

Workers arrive in consulate city

# Key Updates for 2026:

*As of Today:*

- Staggered start dates are allowed:
  - Flexibility to delay worker arrival within the same contract
- New IFR AEWR Methodology is live and in effect, as of 10/02/2025:
  - “Generational” wage decrease
- Domestic immigration enforcement efforts are at an all time high:
  - Fewer local workers are available, and more employers are looking to the H-2A program
- Wages down, but program complexity and delays are on the rise:
  - Administrative processing and chaos at USCIS
- Government uncertainty
  - Continued concern over another government shutdown
- State laws and policies continue to have huge effects on H-2A program:
  - Minimum wage adjustments and changes to state labor laws

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# 2026 H-2A Wage Overview

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# Key Components of IFR AEWR Methodology:

- Use of OEWS Survey Data
  - FLS Survey is gone
- “Big Five” Field and Livestock Workers (Combined) category will form the base wages for majority of H-2A job orders
- Introduction of Skill Level I and Skill Level II Tiered Wage System
- H-2A Adverse Compensation Adjustment (Housing Cost)
  - - $1.13 (Arkansas) to - $3.18 (Hawaii)
    - **NOT A HOUSING DEDUCTION!**
    - **H-2A status, not use of employer-provided housing, determines wage rate.**
- Higher Wage Still Possible if Majority of Job Duties not under “Big Five” SOC code, but “all or nothing” approach from 2023 rule is gone

## Many employers considering H-2A for the first time or expanding their program

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# Reminder on H-2A Wage Obligations

**20 CFR 655.120 - Employer must offer, advertise in its recruitment, and pay a wage that is at least the highest of:**

**(i) The AEWR;**

(ii) **A prevailing wage rate**, whether expressed as a piece rate or other unit of pay, if the OFLC Administrator has approved a prevailing wage survey for the applicable crop activity or agricultural activity and, if applicable, a distinct work task or tasks performed in that activity, meeting the requirements of paragraph (c) of this section;

(iii) The agreed-upon collective bargaining wage;

(iv) The Federal minimum wage;

**(v) The State minimum wage; or**

(vi) Any other wage rate the employer intends to pay.

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# Skill Levels & SOC Assignments under the IFR

### Skill Level I (Entry)

- **0-2 months** experience (Generally)
- Entry-level tasks
- No specialized training required

### Skill Level II (Experienced)

- **3+ months** experience (Generally)
- Qualifications commensurate with experience
- Expected to perform moderately complex tasks

## SOC Code Assignment: "Majority of Workdays" Standard

**DEAD: The "All or nothing" approach from the 2023 Rule is gone.**

- **New Standard:** SOC code is based on duties performed for the **majority (51%+)** of workdays during the contract period.
- **Best Representation:** CO assigns the code that "best represents" the job duty, not just the highest paid task performed once.

⚠ **Wage Floor Alert:** Regardless of the SOC assignment, employers must always pay the higher of the AEWR or the applicable **State Minimum Wage**.

### Practical Examples

1. A farmworker driving a van for 2 hours/day and then doing general fieldwork the other 6 = **Traditional Farmworker SOC Code** (Not Van Driver SOC).
2. A farmworker who is driving a tractor/trailer most of the day requiring a CDL, even if on the farm, would be a **Heavy Truck Driver SOC code.**

# Statewide Hourly “Big Five” AEWRs with H-2A Adverse Compensation Adjustments

TABLE—STATEWIDE HOURLY AEWRS DETERMINED UNDER § 655.120 (B)(1)(I) AND COMPENSATION ADJUSTMENT FOR H–2A WORKERS ONLY—Continued

| State | Skill level I (entry-level) | Skill level II (experience-level) | H–2A adverse compensation adjustment |
|---|---|---|---|
| Alaska | 14.79 | 20.01 | −1.90 |
| Arizona | 15.32 | 18.01 | −2.10 |
| Arkansas | 13.40 | 16.18 | −1.13 |
| California | 16.45 | 18.71 | −3.00 |
| Colorado | 16.28 | 20.02 | −2.18 |
| Connecticut | 15.93 | 18.20 | −2.06 |
| Delaware | 14.61 | 19.63 | −1.85 |
| District of Columbia | 17.47 | 23.80 | −2.64 |
| Florida | 12.47 | 15.06 | −2.29 |
| Georgia | 12.27 | 16.22 | −1.75 |
| Guam | 9.70 | 10.89 | −2.35 |
| Hawaii | 14.36 | 18.49 | −3.18 |
| Idaho | 12.92 | 17.07 | −1.84 |
| Illinois | 15.48 | 18.75 | −1.79 |
| Indiana | 14.93 | 19.22 | −1.27 |
| Iowa | 14.20 | 18.87 | −1.15 |
| Kansas | 12.69 | 18.14 | −1.26 |
| Kentucky | 13.94 | 17.99 | −1.24 |
| Louisiana | 9.59 | 14.84 | −1.35 |
| Maine | 14.81 | 18.95 | −1.60 |
| Maryland | 15.35 | 18.21 | −2.31 |
| Massachusetts | 15.29 | 17.57 | −2.42 |
| Michigan | 13.78 | 17.47 | −1.32 |
| Minnesota | 14.60 | 19.33 | −1.68 |
| Mississippi | 9.74 | 14.92 | −1.15 |
| Missouri | 14.56 | 18.74 | −1.28 |
| Montana | 13.03 | 18.48 | −1.80 |
| Nebraska | 14.20 | 19.26 | −1.24 |
| Nevada | 14.54 | 18.40 | −2.15 |
| New Hampshire | 13.99 | 16.14 | −1.96 |
| New Jersey | 16.05 | 19.41 | −2.28 |
| New Mexico | 12.51 | 16.20 | −1.44 |
| New York | 15.68 | 18.75 | −2.40 |
| North Carolina | 12.78 | 16.39 | −1.69 |
| North Dakota | 12.31 | 18.98 | −1.27 |
| Ohio | 14.38 | 18.11 | −1.23 |
| Oklahoma | 11.27 | 16.01 | −1.22 |
| Oregon | 15.25 | 17.62 | −2.11 |
| Pennsylvania | 13.88 | 17.99 | −1.52 |
| Puerto Rico | 9.50 | 10.37 | −0.71 |
| Rhode Island | 14.15 | 17.17 | −1.87 |
| South Carolina | 12.14 | 15.92 | −1.54 |
| South Dakota | 13.19 | 17.48 | −1.20 |
| Tennessee | 12.44 | 16.64 | −1.60 |
| Texas | 11.81 | 15.67 | −1.84 |
| Utah | 12.48 | 16.86 | −1.84 |
| Vermont | 15.96 | 19.23 | −1.61 |
| Virgin Islands | 10.98 | 14.34 | −1.59 |
| Virginia | 13.90 | 18.40 | −2.08 |
| Washington | 16.53 | 19.00 | −2.49 |
| West Virginia | 12.00 | 16.15 | −1.12 |
| Wisconsin | 13.29 | 18.22 | −1.29 |
| Wyoming | 11.34 | 17.23 | −1.32 |

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# 2026 Domestic and H-2A Wage Rates with State Minimum Wages

| State | Skill Level I (Entry-Level) | Skill Level II (Experience-Level) | H-2A Adverse Comp Adjustment | H-2A Wage Rate for Skill Level I (Entry-Level) | H-2A Wage Rate for Skill Level 2 (Experience-Level) | Current State Minimum Wage (per hour) | 2026 Minimum Wage |
|---|---|---|---|---|---|---|---|
| Alabama | $11.25 | $14.95 | -$1.20 | $10.05 | $13.75 | $7.25 | $7.25 |
| Alaska | $14.79 | $20.01 | -$1.90 | $12.89 | $18.11 | $13.00 | $14.00 |
| Arizona | $15.32 | $18.01 | -$2.10 | $13.22 | $15.91 | $14.70 | $15.15 |
| Arkansas | $13.40 | $16.18 | -$1.13 | $12.27 | $15.05 | $11.00 | $11.00 |
| California | $16.45 | $18.71 | -$3.00 | $13.45 | $15.71 | $16.50 | $16.90 |
| Colorado | $16.28 | $20.02 | -$2.18 | $14.10 | $17.84 | $14.81 | $15.16 |
| Connecticut | $15.93 | $18.20 | -$2.06 | $13.87 | $16.14 | $16.35 | $16.94 |
| Delaware | $14.61 | $19.63 | -$1.85 | $12.76 | $17.78 | $15 (possible ag exemption) | $15.00 |
| District of Columbia | $17.47 | $23.80 | -$2.64 | $14.83 | $21.16 | $17.95 | Changes on 7/1/2026 |
| Florida | $12.47 | $15.06 | -$2.29 | $10.18 | $12.77 | $14.00 | $14.00 through 9/29; |
| Georgia | $12.27 | $16.22 | -$1.75 | $10.52 | $14.47 | $7.25 | $7.25 |
| Guam | $9.70 | $10.89 | -$2.35 | $7.35 | $8.54 | $9.25 | $9.25 |
| Hawaii | $14.36 | $18.49 | -$3.18 | $11.18 | $15.31 | $14.00 (possible ag exemption) | $16.00 |
| Idaho | $12.92 | $17.07 | -$1.84 | $11.08 | $15.23 | $7.25 | $7.25 |
| Illinois | $15.48 | $18.75 | -$1.79 | $13.69 | $16.96 | $15.00 | $15.00 |
| Indiana | $14.93 | $19.22 | -$1.27 | $13.66 | $17.95 | $7.25 | $7.25 |
| Iowa | $14.20 | $18.87 | -$1.15 | $13.05 | $17.72 | $7.25 | $7.25 |
| Kansas | $12.69 | $18.14 | -$1.26 | $11.43 | $16.88 | $7.25 | $7.25 |
| Kentucky | $13.94 | $17.99 | -$1.24 | $12.70 | $16.75 | $7.25 | $7.25 |
| Louisiana | $9.59 | $14.84 | -$1.35 | $8.24 | $13.49 | $7.25 | $7.25 |
| Maine | $14.81 | $18.95 | -$1.60 | $13.21 | $17.35 | $14.65 | $15.10 |
| Maryland | $15.35 | $18.21 | -$2.31 | $13.04 | $15.90 | $15.00 | $15.50 (county dependent) |
| Massachusetts | $15.29 | $17.57 | -$2.42 | $12.87 | $15.15 | $8.00 | $8.00 |
| Michigan | $13.78 | $17.47 | -$1.32 | $12.46 | $16.15 | $12.48 (possible ag exemption) | $13.73 |
| Minnesota | $14.60 | $19.33 | -$1.68 | $12.92 | $17.65 | $11.13 | $11.41 |
| Mississippi | $9.74 | $14.92 | -$1.15 | $8.59 | $13.77 | $7.25 | $7.25 |
| Missouri | $14.56 | $18.74 | -$1.28 | $13.28 | $17.46 | $13.75 | $15.00 |
| Montana | $13.03 | $18.48 | -$1.80 | $11.23 | $16.68 | $10.55 | $10.85 |
| Nebraska | $14.20 | $19.26 | -$1.24 | $12.96 | $18.02 | $13.50 | $15.00 |
| Nevada | $14.54 | $18.40 | -$2.15 | $12.39 | $16.25 | $12.00 | $12.00 |
| New Hampshire | $13.99 | $16.14 | -$1.96 | $12.03 | $14.18 | $7.25 | $7.25 |
| New Jersey | $16.05 | $19.41 | -$2.28 | $13.77 | $17.13 | $13.40 | $14.20 |
| New Mexico | $12.51 | $16.20 | -$1.44 | $11.07 | $14.76 | $12.00 | $12.00 |
| New York | $15.68 | $18.75 | -$2.40 | $13.28 | $16.35 | $16.50 | $17.00 / $16.00 |
| North Carolina | $12.78 | $16.39 | -$1.69 | $11.09 | $14.70 | $7.25 | $7.25 |
| North Dakota | $12.31 | $18.98 | -$1.27 | $11.04 | $17.71 | $7.25 | $7.25 |
| Ohio | $14.38 | $18.11 | -$1.23 | $13.15 | $16.88 | $10.70 | $11.00 |
| Oklahoma | $11.27 | $16.01 | -$1.22 | $10.05 | $14.79 | $7.25 | $7.25 |
| Oregon | $15.25 | $17.62 | -$2.11 | $13.14 | $15.51 | $15.05 | Changes on 7/1/2026 |
| Pennsylvania | $13.88 | $17.99 | -$1.52 | $12.36 | $16.47 | $7.25 | $7.25 |
| Puerto Rico | $9.50 | $10.37 | -$0.71 | $8.79 | $9.66 | $10.50 (possible ag exemption) | $10.50 |
| Rhode Island | $14.15 | $17.17 | -$1.87 | $12.28 | $15.30 | $15.00 | $16.00 |
| South Carolina | $12.14 | $15.92 | -$1.54 | $10.60 | $14.38 | $7.25 | $8.75 |
| South Dakota | $13.19 | $17.48 | -$1.20 | $11.99 | $16.28 | $11.50 | $11.85 |
| Tennessee | $12.44 | $16.64 | -$1.60 | $10.84 | $15.04 | $7.25 | $7.25 |
| Texas | $11.81 | $15.67 | -$1.84 | $9.97 | $13.83 | $7.25 | $7.25 |
| Utah | $12.48 | $16.86 | -$1.84 | $10.64 | $15.02 | $7.25 | $7.25 |
| Vermont | $15.96 | $19.23 | -$1.61 | $14.35 | $17.62 | $14.01 | $14.42 |
| Virgin Islands | $10.98 | $14.34 | -$1.59 | $9.39 | $12.75 | $10.50 | $10.50 |
| Virginia | $13.90 | $18.40 | -$2.08 | $11.82 | $16.32 | $12.41 | $12.77 |
| Washington | $16.53 | $19.00 | -$2.49 | $14.04 | $16.51 | $16.66 | $17.13 |
| West Virginia | $12.00 | $16.15 | -$1.12 | $10.88 | $15.03 | $8.75 (possible ag exemption) | $8.75 |
| Wisconsin | $13.29 | $18.22 | -$1.29 | $12.00 | $16.93 | $7.25 | $7.25 |
| Wyoming | $11.34 | $17.23 | -$1.32 | $10.02 | $15.91 | $7.25 | $7.25 |

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# 2026 H-2A Wage Decrease Analysis

| State | 2025 AEWR (Jan-Aug) | H-2A ACA | 2026 Effective Skill I - H-2A Rate | Effective Decrease (vs 2025) | Decrease (%) | State Min Wage 2026 |
|---|---|---|---|---|---|---|
| **Washington** | $19.82 | -$2.49 | **$17.13** | -$2.69 | -13.6% | $17.13 |
| **Idaho** | $16.83 | -$1.84 | **$11.08** | -$5.75 | -34.2% | $7.25 |
| **Oregon** | $19.82 | -$2.11 | $15.05* | -$4.77 | -24.1% | $15.05 |
| **Michigan** | $18.15 | -$1.32 | $13.73* | -$4.42 | -24.4% | $13.73 |
| **New York** | $18.83 | -$2.40 | $16.00* | -$2.83 | -15.0% | $16.00 |
| **California** | $19.97 | -$3.00 | $16.90* | -$3.07 | -15.4% | $16.90 |

**Key Takeaways:**

- **Significant Savings:** All major ag states see double-digit percentage decreases in H-2A labor costs.
- ***Minimum Wage Floor:** In OR, MI, NY, and CA, the State Minimum Wage is now the effective H-2A rate, limiting the full potential decrease from the new federal methodology.

# Strategies for communicating rapid wage decline with long-time H-2A workers:

1. Understand the bigger economic picture and the discrepancy in wage opportunities between the United States and home country.
    a. ($278.80MXN pesos per day in most MX states, $419.88 MXN in northern states)
    b. Old FLS-AEWR's were increasing year over year at unsustainable rate
2. Disclose the new wage as early as possible to allow workers time for informed decisions.
3. H-2A wages are set nationwide by Federal Regulation, and all employers in the state will be operating on same scale
4. Workers value continuity with trusted employers
5. Employers are allowed to pay more than the floor with the right language in the contract!
6. Discretionary bonuses and/or tiered internal wage scales

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# Domestic Labor & Immigration Enforcement

# Trends on domestic enforcement

- **2 million, or 80% of U.S. farm workers, are Mexican-born** *(Source: Dr. Phil Martin, 2025 NCAE Annual Meeting)*
  - 50% of these workers are unauthorized
  - Average domestic farmworker is 42 years old
  - U.S.-born children are not going into farming
- **New registration requirements, fees, and aggressive enforcement**
  - Form G-325R: Revival of 1952 Law - https://www.uscis.gov/alienregistration
  - Checkpoints, raids, roving ICE patrols, and pushing 4th amendment boundaries on and near the farm
  - Uptick in I-9 audits
  - Encouragement to Self-Deport
  - Increased border crossing fees and new Visa Integrity Fee (eventually)
  - USCIS RFE's, NOIR's, and NOID's
  - Enforcement of English requirement for CDL's and enhanced security screenings for truck drivers
  - ICE budget will grow from $10b to $100b by 2029
    - ICE is the highest funded law enforcement agency in the USA
    - All that enforcement has to go somewhere….

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# Employers may face 2 types of visits from ICE

| | Audit | Raid |
|---|---|---|
| |  |  |
| **Purpose** | Inspect I-9s | Detain undocumented workers |
| **Timeframe** | 3 business days | Immediate |
| **Usual Notice** | Notice of Inspection (NOI) | Search warrant |

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RAID RESPONSE

# Prepare a response plan in case of a worksite raid

## ✓ DO

1. **Verify ICE authority**
   - ▢ Ask for a warrant and confirm it is judicial (signed by a judge)
   - ▢ Only allow entry into private areas if the warrant is judicial
2. **Document everything**
   - ▢ Designate an employee to record interactions
   - ▢ Take notes on ICE badge numbers, agent names, and actions taken
   - ▢ Keep a log of any documents seized
3. **Seek Legal Counsel immediately**
   - ▢ Ask your attorney to review the warrant before allowing access

## ✗ DO NOT

1. Assist employees in hiding or leaving
2. Provide additional documents unless legally required
3. Physically or verbally interfere with ICE agents

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# Take these steps before and after an ICE audit

## BEFORE

1. **Keep employee records organized, secure, and easily accessible**
   - ▢ Store I-9 forms separately from other files
   - ▢ Regularly review all files for completeness
   - ▢ Be able to produce requested documents within 3 business days of receiving a NOI
2. **Appoint a compliance lead to manage I-9s and audits.**
3. **Train staff on rights and responsibilities**
   - ▢ Request ID from ICE agents upon arrival
   - ▢ Provide payroll lists but not individual pay records or personnel files
   - ▢ Understand judicial vs administrative warrants & areas of access with vs without a warrant
   - ▢ Keep calm & continue work unless otherwise instructed otherwise

## AFTER

1. **Review potential notices from ICE, such as:**
   - ▢ Notice of Suspect documents
   - ▢ Technical or Procedural Failures
2. **Prepare to rectify minor issues as outlined by USCIS and establish follow-up protocols**
3. **Create a plan to re-verify employee eligibility based on ICE findings**
4. **Plan regular internal audits at least once a year, adjusting frequency based on turnover rates**
5. **Review and adjust company procedures to comply with current immigration laws**

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# H-2A Compliance is Difficult

## 2,857 H-2A WHD Investigations from ‘18-23




| | |
|---|---|
| 42% | Pay |
| 30% | Transportation |
| 28% | Other |

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

# Program Challenges: USCIS Delays & Consular Issues

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# State Department Verification Calls and Enhanced Screening Cause Delays

### 1. Increase in Administrative Processing

More visa applications are being held for additional security reviews, interviews, and background checks.

### 2. Employer Verification Calls

Consular officers are directly calling growers  to verify:

- Job duties and requirements
- Housing arrangements
- Wage rates offered
- Contract schedules

### 3. Return of Petitions to USCIS for Revocation

H-2A petitions are increasingly being returned to USCIS for revocation if Consular Officers are unable to verify details.

### Preparation Strategies

- ✓ Ensure all job order details are accurate and provide grower contact information with the I-129. .
- ✓ Brief growers on possibility of verification calls.
- ✓ Maintain detailed records of recruitment efforts.
- ✓ Work with providers who have strong consular relationships.

# New Background Checks and English Proficiency Requirements for Heavy Truck Drivers

April 25, 2025

## Presidential Executive Order

Directed DOT to strictly enforce **English-speaking proficiency requirements** for all CDL holders, including H-2A workers.

Effective Jan 8, 2026

## State Department Mandate

For H-2A workers with Mexican CDLs assigned to **SOC 53-3032** (Heavy & Tractor-Trailer Truck Driver), consulates now require:

- **Police report** for each state in Mexico where employee lived/worked > 3 months within last 10 years.
- **Copies of all CDLs** held by the applicant
- **Mexican driving record** from official government website

## Operational Impact

Expect significant delays for truck driver visa processing and potential disqualifications due to driving record issues or inability to obtain documents.

## Strategic Considerations

- ✓ **Verify SOC Code for Heavy Trucking**
- ✓ **Expect Delay at the Consulate**
- ✓ **Document Proficiency:**

# USCIS Update:

*Online Filing:*

- Online filing portal is open, but initial set-up can be time consuming and confusing
- Unnamed and Named petitions can be filed online, but size limitation makes named petitions difficult, if not impossible, to file.
- Traditional mail filings have seen a drastic uptick in processing errors and erroneous rejections
- Online system has frequent errors including assigning wrong employer to wrong approval notice and erroneous rejection of unnamed petitions over 25 workers
- Noticeable increase in Notices of Intent to Revoke from USIS

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# Important Litigation Update:

# H-2A Litigation Update

- Nov. 2025 - *United Farm Workers v. DOL*
  - UFW filed legal challenge to DOL's 2025 AEWR Rule in E.D. Cal. seeking nationwide stay
  - Argues that DOL failed to comply with notice and comment requirements of APA by issuing IFR, violates H-2A program rule that housing be provided free of cost to H-2A workers, and OEWS is unreliable source to based wage methodology
  - Briefing scheduled to be completed by end of February 2026
  - Potential implications: if UFW's legal challenge is successful, employers may be ordered to pay back wages representing difference between FLS and OEWS AEWRs
  - NCAE recently filed amicus brief in defense of IFR



# Planning for Success in 2026

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# Strategic Planning for a Complex 2026 Season

1

## Plan for Change - WAGES WILL INCREASE JULY 1

Do not assume current lower wage rates will last the entire season - Rates will increase on July 1. Build buffers for potential **July 1 increases** and litigation outcomes.

2

## File Early (70-75 Days)

Combat USCIS system glitches and consular delays by filing at the earliest possible window. **Speed is your best defense.**

3

## Audit Your I-9s Now and Plan for Onsite Enforcement

With enforcement rising, conduct internal audits immediately. Ensure supervisors are trained on **"Raid vs. Audit"** protocols and know what to do in the event of either! DOL visits and audits are a routine part of H-2A employment.

4

## Reduce Risks for Delay

Familiarize yourself with new truck driver screening procedures, prepare growers for Consular verification calls, and monitor USCIS for updates to filing system.

5

## Monitor the UFW Litigation

Stay in close contact with your legal counsel regarding the **preliminary injunction** decision expected in early 2026.

# Seso Overview:

The Challenge of the Modern Ag Employer:

# Doing business in agriculture isn't easy



OUR SOLUTION

# What Seso is building

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## H-2A Management

- Digital filing
- Recordkeeping
- Automated audit readiness

## Worker Services

- Recruiting
- Consulate scheduling
- In-country logistics

## HR Paperwork

- Digital onboarding
- Worker documentation
- Disciplinary tracking

## Time & Payroll

- Hourly timekeeping
- Self-serve payroll
- Managed services

## Paycards

- Paperless pay
- Free ATMwithdrawals
- Mobile remittance

## Insurance

- Workers' compensation

# Q&A

## National Labor Update: H-2A Landscape, Wage Rates, and Forecast

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