

**FY 2017-2020**

# **H-2A Nonimmigrant Temporary Agricultural Worker Trends Report**

Fiscal Year 2017-2020



U.S. Citizenship and  
Immigration Services

Office of Policy & Strategy  
Policy and Research Division  
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## Executive Summary

The H-2A program allows U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary or seasonal agricultural jobs. During FY 2020, the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) published a temporary final rule (TFR) on April 20, 2020 and August 20, 2020 to amend certain H-2A requirements to help U.S. agricultural employers avoid disruptions in lawful agricultural-related employment, protect the nation's food supply chain, and lessen impacts from the coronavirus (COVID-19) public health emergency. Because of the April 20 TFR and August 20 TFR, we may see a shift in the number of receipts, approvals, and denials for Form I-129 H-2A petitions. The Policy Research Division in the Office of Policy and Strategy tracked the monthly receipts, approvals, and denials to understand the trends and impact of the TFRs. This report analyzed trends in H-2A petitions received, approved, and denied for the past four fiscal years (FY 2017, 2018, 2019, and 2020). The purpose of this study is to understand the overall trends of the H-2A program and the impact of the TFRs on H-2A trends.

### Selected Key Findings

#### Overall Trends

- There is a cyclical trend in 1) received petitions and 2) approved petitions, while denied petitions did not show a clear cyclical trend as seen with received petitions or approved petitions. The overall number of received, approved, and denied petitions have increased over the years.
- The top five states with the highest number of petitioned workers are located in the southeastern coastal area, namely, Florida, North Carolina, and Georgia, and in the west coast, namely, California and Washington.

#### COVID-Related Trends

- FY 2020 receipts declined more during the third quarter (April through June), but declined less during the fourth quarter (July through September) than in previous years.
- Further analyses showed that declines in receipts were seen mostly for new employment petitions. However, the number of petitions to change employers increased more in FY 2020 than previous fiscal years. These patterns seen during the latter half of the fiscal year, may be associated with the TFR, which relaxed restrictions for H-2A workers who are already in the U.S. to begin employment with a new H-2A employer.

## Background

The H-2A program allows U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary or seasonal agricultural jobs. A U.S. employer, a U.S. agent as described in the regulations, or an association of U.S. agricultural producers named as a joint employer must file Form I-129, Petition for a Nonimmigrant Worker,<sup>1</sup> on a prospective worker's behalf.

To qualify for H-2A nonimmigrant classification, the petitioner must:

- Offer a job that is of a temporary or seasonal nature;
- Demonstrate that there are not enough U.S. workers who are able, willing, qualified, and available to do the temporary work;
- Show that employing H-2A workers will not adversely affect the wages and working conditions of similarly employed U.S. workers; and
- Generally, submit a single valid temporary labor certification from the U.S. Department of Labor with the H-2A petition.

Unlike the H-2B program for temporary non-agricultural workers, there is no annual or semi-annual cap on the number of H-2A nonimmigrant visas that may be issued. Generally, a person who has held H-2A nonimmigrant status for a total of 3 years must depart and remain outside the United States for an uninterrupted period of 3 months before seeking readmission as an H-2A nonimmigrant. USCIS generally may only approve H-2A petitions for nationals of countries the Secretary of Homeland Security, in consultation with Department of State (DOS), has designated as eligible to participate in the program. USCIS may approve H-2A petitions for nationals of countries not on the list if it is determined to be in the interest of the United States.

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<sup>1</sup> See [uscis.gov/i-129](https://uscis.gov/i-129). USCIS planned to implement a new version of Form I-129 on October 2, 2020 that would have been broken up into multiple benefit-specific forms. The petitioner would have submitted the new Form I-129 H-2A, Petition for Nonimmigrant Worker: H-2A Classification. See DHS Final Rule, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements", 85 FR 46788, 46916 (Aug. 3, 2020) (to be codified at 8 CFR 103, 106, 204, 211–12, 214, 216–17, 223, 235–36, 240, 244–45). However, on Sept. 29, 2020, the U.S. District Court for the Northern District of California in *Immigration Legal Resource Center et al., v. Wolf, et al., 20-cv-05883-JWS*, preliminarily enjoined DHS from implementing or enforcing any part of the DHS Final Rule. While the rule is preliminarily enjoined, USCIS will continue to accept USCIS forms with the current editions and current fees, and use the regulations and guidance currently in place to adjudicate applications and petitions.

On April 20, 2020, DHS and USCIS published a [temporary final rule](#)<sup>2</sup> (“April 20 TFR”) to amend certain H-2A requirements to help U.S. agricultural employers avoid disruptions in lawful agricultural-related employment, protect the nation’s food supply chain, and lessen impacts from the COVID-19 public health emergency. Generally, H-2A workers are only authorized to continue employment beyond the expiration of the authorized period of stay while a petition requesting an extension of stay remains pending and they are either (1) continuing employment with the same employer; or (2) changing employers and the new employer is a participant in good standing in E-Verify. See 8 CFR 274a.12(c)(20) and 274a.12(b)(21), respectively, for more details. Under the April 20 TFR, DHS allowed H-2A workers whose extension of stay petitions were supported by valid temporary labor certifications (TLCs) issued by the U.S. Department of Labor (DOL) to begin work immediately with a new employer that is not a participant in good standing in E-Verify for a period not to exceed 45 days after the petition was received by USCIS and while the petition remained pending. DHS also temporarily amended its regulations to allow H-2A workers to stay in the United States beyond the 3 years maximum allowable period of stay outlined in 8 CFR 214.2(h)(5)(viii)(C).<sup>3</sup> The new H-2A extension of stay petition must have been received by USCIS on or before August 18, 2020 to be eligible for the flexibilities offered under the April 20 TFR.

On August 20, 2020, DHS published a TFR partially extending some of the provisions of the April 20 TFR.<sup>4</sup> This August 20 TFR continued to allow H-2A workers whose extension of stay petitions are supported by valid TLCs to begin work with a new employer immediately after the extension of stay petition is received and for a period not to exceed 45 days. However, in recognition of the need to strike a balance between providing stability to the U.S. food supply chain, addressing the urgent needs of U.S. agricultural producers, and ensuring that those noncitizens admitted into the United States as temporary workers in the H-2A nonimmigrant classification in fact remain in this country on a temporary basis, DHS did not extend the temporary amendments to its regulations to continue allowing H-2A workers to stay in the United States beyond the 3 years maximum allowable period of stay. The new H-2A extension of stay petition must have been received by USCIS on or after August 19, 2020 and through December 17, 2020 to be eligible for the flexibilities offered under the August 20 TFR.

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<sup>2</sup> See Temporary Changes to Requirements Affecting H-2A Nonimmigrants Due to the COVID-19 National Emergency, 85 Fed. Reg. 21739 (Apr. 20, 2020) (codified at 8 CFR 214, 274).

<sup>3</sup> See 8 CFR 214.2(h)(21)(ii).

<sup>4</sup> See Temporary Changes to Requirements Affecting H-2A Nonimmigrants Due To the COVID-19 National Emergency: Partial Extension of Certain Flexibilities, 85 Fed. Reg. 51304 (Aug. 20, 2020) (codified at 8 CFR 214, 274).

Because of the April 20 TFR and August 20 TFR, we may see a shift in the number of receipts, approvals, and denials for Form I-129 H-2A petitions. The Policy Research Division in the Office of Policy and Strategy tracked the monthly receipts, approvals, and denials to understand the trends and impact of the TFRs. This report shows trends in H-2A petitions received, approved, and denied for the past four fiscal years (FY 2017, 2018, 2019, and 2020). At the time of analysis for this report, only data up to September 30, 2020, was available for query.<sup>5</sup>

## Purpose

The purpose of this study is to understand the overall trends of the H-2A program and the impact of the TFRs on H-2A trends.

- 1) Research questions for overall trends of the H-2A program.
  - a. Are there cyclical trends in H-2A receipts?
  - b. How have H-2A receipts increased or decreased over the years?
  - c. Which employers, and states have the highest number of petitioned H-2A workers?
- 2) Research question for the impact of the TFRs on H-2A trends.
  - a. How have H-2A trends in FY 2020 changed compared to previous FYs, given the TFRs?

## Data

The data is based on information collected from USCIS Form I-129, *Petition for a Nonimmigrant Worker*. The analyses were conducted using Statistical Analysis System (SAS) with data from the Computer Linked Application Information System (CLAIMS) Consolidated Version 3 (CLAIMS3, also known as C3) and the Electronic Immigration System (ELIS) data systems. The data systems maintain the petition records. The analyses conducted for this report included data for each fiscal year (FY) from FY 2017 to FY 2020. The data used for analyses reflect the most up-to-date data available at the time of analysis.

## Trend Analysis

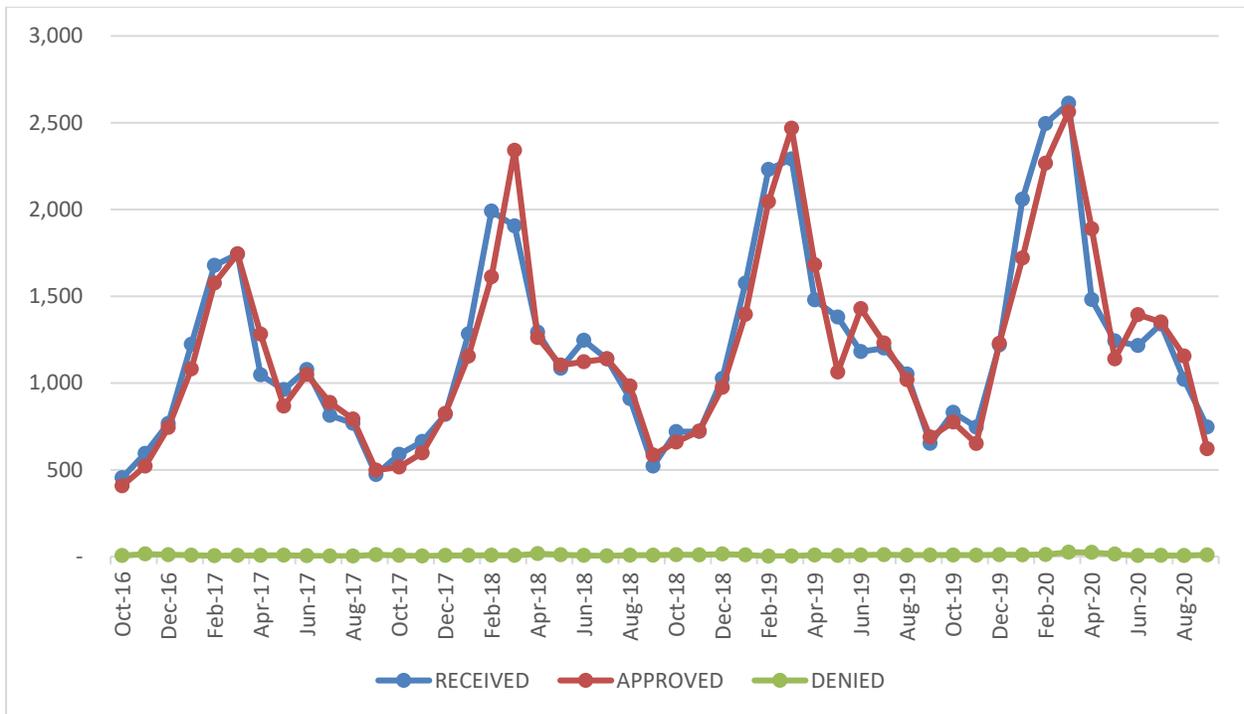
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<sup>5</sup> DHS/USCIS published another temporary final rule on December 18, 2020 (Dec. 18 TFR) extending the flexibilities that were in the August TFR. The Dec. 18 TFR will be effective from December 18, 2020, through December 18, 2023. Employers may request the flexibilities under this rule by filing an H-2A petition on or after December 18, 2020 and through June 16, 2021. See 85 FR 82291 (Dec. 18, 2020). Note that any relief from the Dec. 18 TFR is outside of the scope of the data analyzed here, as that TFR will affect FY 2021 data.

### Petition Trends

The data shows that there is a cyclical trend in 1) received petitions and 2) approved petitions. As illustrated below, the timing of the two trends are similar to each other. Figure 1 shows the trend lines and cyclical patterns for receipts, approvals, and denials, between FY 2017 and FY 2020.

**Figure 1. Petition For a Nonimmigrant Worker Temporary Agricultural Worker (H-2A) by Fiscal Month, and Case Status**



Source: USCIS Office of Policy & Strategy

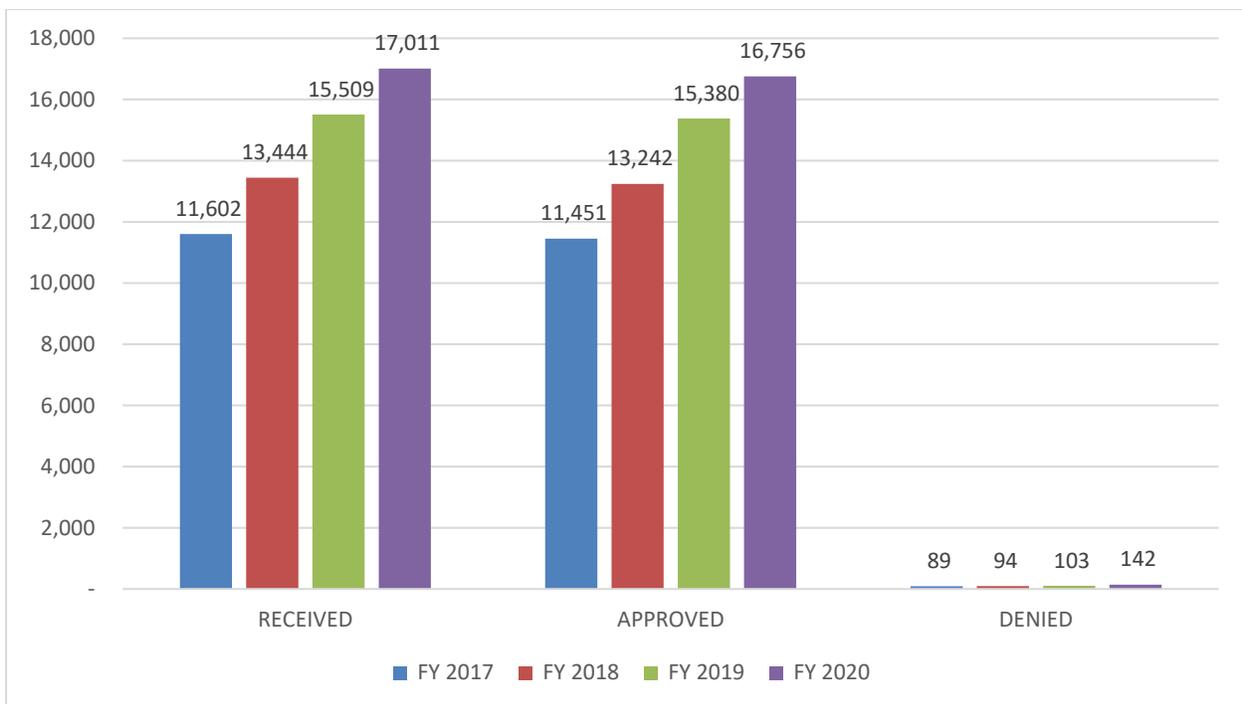
Between FY 2017 and FY 2019, the overall number of received petitions and approved petitions both have steadily increased at an average rate of approximately 16% annually, but for FY 2020, the increase was only 10%.

For the past three fiscal years, petitions received, and petitions approved for H-2A classification were lowest between September and October and gradually increased on a monthly basis with peak receipts and approvals between February and March. The receipt and approval trends then gradually declined thereafter until the cycle started again in September. For exact numbers, see Table 1 below, which shows the number of petitions received, approved, and denied, month by month for each fiscal year.

Data from denied petitions did not show a clear cyclical trend as seen with received petitions or approved petitions. Instead, the data showed an uptick in denied petitions during fall (i.e., October, November, December) in some years, and during spring (i.e., March, April, May) in other years. There was an increase in the total number of denied petitions in FY 2020 compared to previous years. The average number of denied petitions for the past three fiscal years (FY 2017 – FY 2019) was 95. In contrast, the number of denied petitions for FY 2020 was 142, representing an increase of 38% over the average number of denied petitions for the past three fiscal years. Despite this increase, it is important to emphasize that less than 1% of received petitions would have been denied in any of these fiscal years. This emergent trend may benefit from further analysis if denials continue to increase in future years.

Figure 2 is a bar chart that shows the receipts for FY 2017 through FY 2020, approvals for FY 2017 through FY 2020, and denials for FY 2017 through FY 2020. The three clusters of bars show similarity in receipt and approval numbers, while showing drastically smaller numbers for denials.

**Figure 2. Petition for a Nonimmigrant Worker Temporary Agricultural Worker (H-2A) by Case Status and Fiscal Year**



Source: USCIS Office of Policy & Strategy

**Table 1. Petition for a Nonimmigrant Worker Temporary Agricultural Worker (H-2A) by Fiscal Year, Month, and Case Status**

Period		Petitions by Case Status		
Fiscal Year	Month	Petitions Received <sup>1</sup>	Initially Approved <sup>2</sup>	Initially Denied <sup>3</sup>
2017	October	454	408	6
	November	595	521	15
	December	767	744	11
	January	1,223	1,081	8
	February	1,678	1,576	5
	March	1,743	1,744	7
	April	1,047	1,282	7
	May	962	867	8
	June	1,078	1,049	5
	July	814	888	3
	August	768	793	3
September	473	498	11	
<b>2017 Total</b>		<b>11,602</b>	<b>11,451</b>	<b>89</b>
2018	October	589	516	7
	November	663	597	3
	December	819	825	7
	January	1,283	1,155	7
	February	1,991	1,612	8
	March	1,905	2,341	7
	April	1,293	1,262	17
	May	1,085	1,103	11
	June	1,246	1,123	7
	July	1,139	1,140	4
	August	910	983	8
September	521	585	8	
<b>2018 Total</b>		<b>13,444</b>	<b>13,242</b>	<b>94</b>
2019	October	720	660	11
	November	721	723	10
	December	1,026	975	15
	January	1,575	1,396	10
	February	2,231	2,045	2
	March	2,291	2,468	3
	April	1,479	1,682	9
	May	1,380	1,063	6
	June	1,181	1,429	9
	July	1,201	1,231	11
	August	1,052	1,019	8
September	652	689	9	
<b>2019 Total</b>		<b>15,509</b>	<b>15,380</b>	<b>103</b>

## H-2A Nonimmigrant Temporary Agricultural Worker Trends Report

Period		Petitions by Case Status		
Fiscal Year	Month	Petitions Received <sup>1</sup>	Initially Approved <sup>2</sup>	Initially Denied <sup>3</sup>
2020	October	831	775	9
	November	746	651	8
	December	1,220	1,229	11
	January	2,059	1,720	10
	February	2,495	2,267	12
	March	2,612	2,563	25
	April	1,481	1,889	24
	May	1,243	1,139	14
	June	1,216	1,394	6
	July	1,340	1,352	7
	August	1,021	1,156	6
	September	747	621	10
<b>2020 Total</b>		<b>17,011</b>	<b>16,756</b>	<b>142</b>

### Footnotes

<sup>1</sup> The number of new petitions received and entered into a case-tracking system during the reporting period.

<sup>2</sup> The number of petitions approved during the reporting period. Only initial decisions are considered. Subsequent decisions are excluded (revocation, remands, etc.).

<sup>3</sup> The number of petitions denied during the reporting period and does not include withdrawals. Only initial decisions are considered. Subsequent decisions are excluded (revocation, remands, etc.).

### Note:

1) Some approved or denied petitions may have been received in previous reporting periods.

2) The data reflects the most up-to-date data available at the time the database is queried, October 29, 2020.

3) Counts may differ from previous reports due to system updates and post-adjudicative outcomes.

**Source:** USCIS Office of Policy & Strategy

## Worker and Employer Trends

We analyzed data on petitioners (employers who submit H-2A petitions on their workers' behalf) using the petitioner's tax identification number to determine which employers petitioned for the highest number of beneficiaries. The top 10 employers are listed in Table 2. The employer that petitioned for the highest total number of H-2A workers was North Carolina Growers Association (NCGA) & Joint Employers with over 50,000 workers petitioned for between FY 2017 and FY 2020. The employer that petitioned for the second highest number of workers was Fresh Harvest Inc, in California, with over 25,000 petitioned workers. The employer that petitioned for the third highest total number of workers was Washington Farm Labor Association (WAFLA), in Washington State, with over 23,000 petitioned workers. The top 10 employers with the highest number of petitioned workers were located in four states, namely North Carolina, California, Washington, and Florida.

**Table 2. Top 10 Employers with Highest Total Number of H-2A Workers Petitioned between FY 2017 - FY 2020**

Employer	Location	Number of Workers between FY 2017 – FY 2020		
		Petitioned	Approved	Denied
NCGA & Joint Employers	Vass, NC	51,982	50,926	1,247
Fresh Harvest Inc	Heber, CA	25,592	25,943	193
WAFLA	Olympia, WA	23,546	23,792	0
Zirkle Fruit Co	Selah, WA	14,336	14,336	0
Overlook Harvesting Co LLC	Winter Haven, FL	14,137	13,971	35
R&R Harvesting Inc	Labelle, FL	11,005	10,587	417
Foothill Packing Inc	Salinas, CA	10,676	10,676	0
Elkhorn Packing Co LLC	Salinas, CA	9,528	9,662	0
Farm Op Kuzzens H-2A LLC	Immokalee, FL	9,004	8,883	0
Rancho Nuevo Harvesting Inc	Santa Maria, CA	7,945	7,878	67

**Note:**

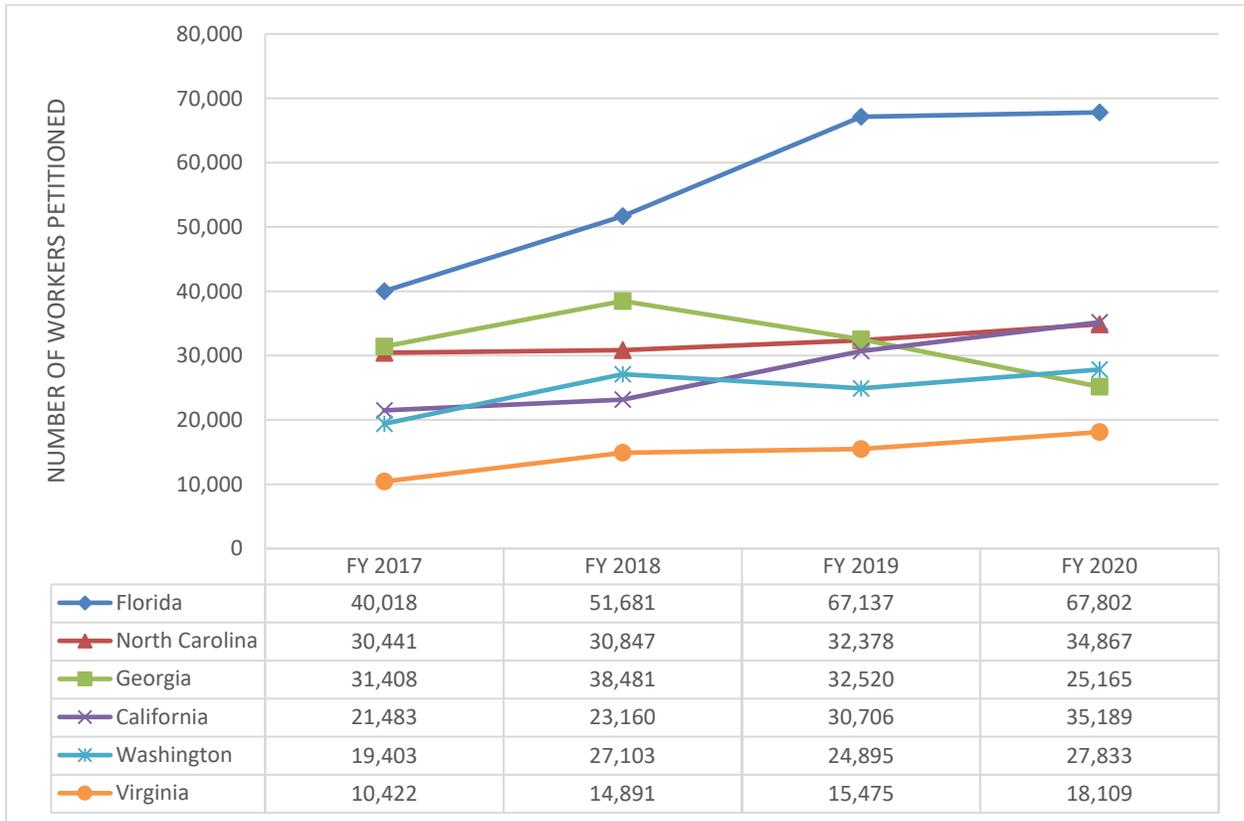
- 1) Some approved and denied petitions may have been received in previous reporting periods.
- 2) The data reflects the most up-to-date data available at the time the database is queried, November 5, 2020.
- 3) Counts may differ from previous reports due to system updates and post-adjudicative outcomes.
- 4) Employer is based on tax number; analyses excluded cases where tax number is missing.
- 5) Number of workers is based on petitioner's number of beneficiaries reported on Form I-129.

**Source:** USCIS Office of Policy & Strategy

## State Trends

To examine state trends, we examined the location of petitioners (based on the tax identification number) and their associated state. We then looked at the number of petitioned workers by employers' states to determine which states had the highest number of petitioned workers. As shown in Figure 3, of the top five states with the highest number of petitioned workers, three of those states are located in the southeastern coastal area, namely, Florida, North Carolina, and Georgia. The other two states were located on the west coast, namely, California and Washington. A map of the workers petitioned in FY 2020 by employers' states is shown in Figure 4. The number of H-2A workers petitioned for FY 2017 – FY 2020 listed by states is shown in Table 3. Overwhelmingly, Florida had the highest number of workers petitioned from FY 2017 to FY 2020, with the 40,018 workers in FY 2017, 51,681 in FY 2018, 67,137 in FY 2019, and 67,802 in FY 2020. Again, it should be noted that state is based on employers' state reported on the Form I-129, regardless of the actual work location or employees' residency.

**Figure 3. Top States with Highest Total Number of H-2A Workers Petitioned for FY 2017 - FY 2020**

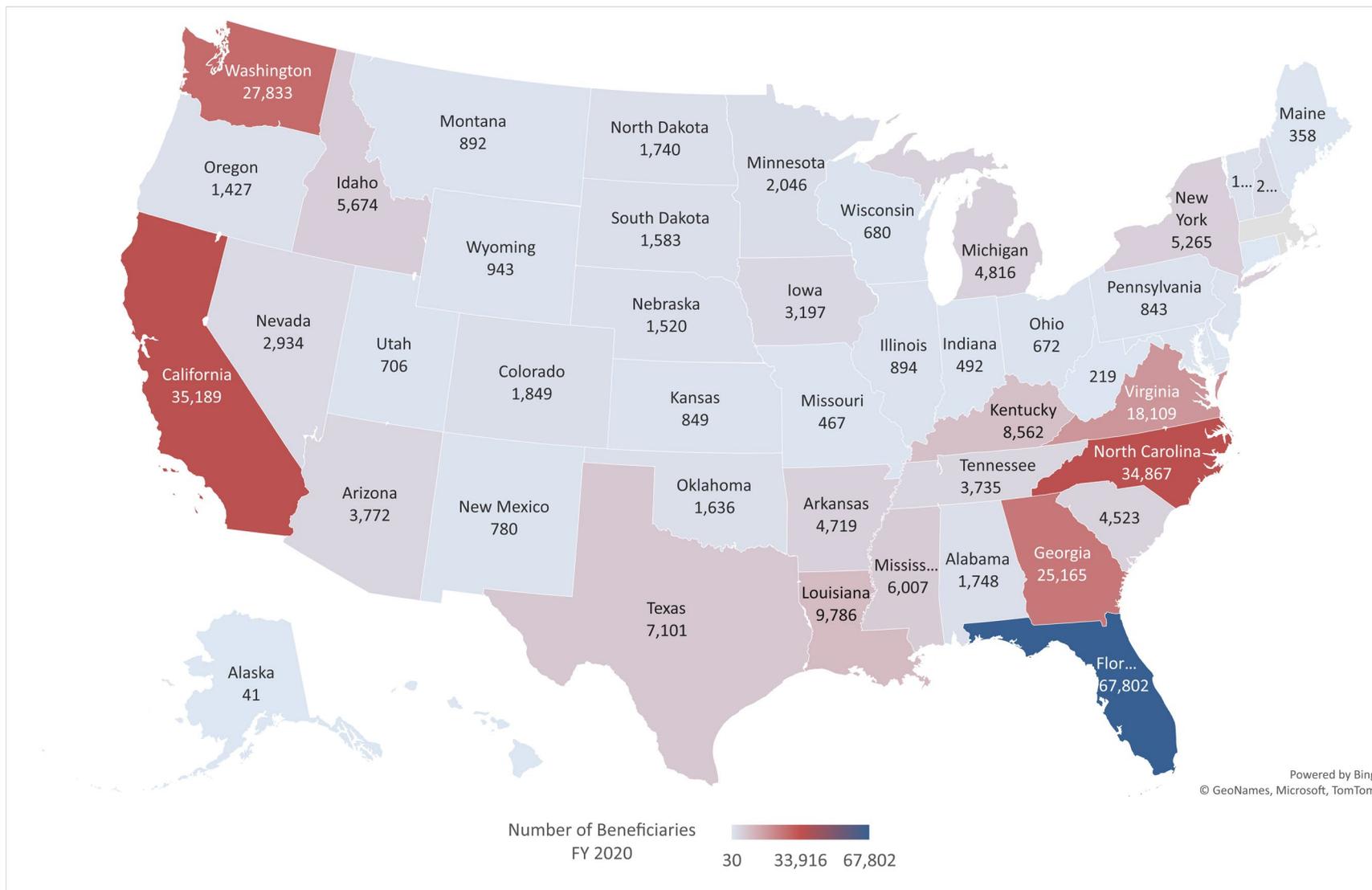


**Note(s):**

- 1) The data reflects the most up-to-date estimate available at the time the database is queried, November 5, 2020.
- 2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.
- 3) State is based on petitioner’s state reported on Form I-129, regardless of actual work location or employee’s residency.
- 4) Number of workers is based on petitioner’s number of beneficiaries reported on Form I-129.

**Source:** USCIS Office of Policy & Strategy

**Figure 4. Number of H-2A Workers Petitioned for FY 2020 by Employers' States**



Source: USCIS Office of Policy & Strategy

**Table 3. Number of H-2A Workers Petitioned for FY 2017 – FY 2020 by States**

State	Number of H-2A Workers Petitioned			
	FY 2017	FY 2018	FY 2019	FY 2020
Alabama	32	112	127	1,748
Alaska	38	39	39	41
Arizona	2,336	3,303	3,001	3,772
Arkansas	2,962	3,273	3,917	4,719
California	21,483	23,160	30,706	35,189
Colorado	1,211	1,483	1,639	1,849
Connecticut	1	9	6	127
Delaware	23	23	12	30
District of Columbia	3	0	0	44
Florida	40,018	51,681	67,137	67,802
Georgia	31,408	38,481	32,520	25,165
Hawaii	60	119	106	103
Idaho	4,709	5,865	6,056	5,674
Illinois	73	364	1,035	894
Indiana	109	119	207	492
Iowa	4,416	6,206	2,775	3,197
Kansas	398	486	559	849
Kentucky	8,876	9,071	9,323	8,562
Louisiana	6,026	7,010	8,022	9,786
Maine	331	242	463	358
Maryland	481	578	592	569
Massachusetts	5	0	6	24
Michigan	2,589	3,509	4,031	4,816
Minnesota	1,008	1,182	1,405	2,046
Mississippi	3,159	3,115	3,320	6,007
Missouri	845	1,089	1,429	467
Montana	237	304	362	892
Nebraska	298	541	682	1,520
Nevada	2,496	2,658	2,716	2,934
New Hampshire	2,143	2,352	2,368	2,294
New Jersey	413	486	678	920
New Mexico	316	386	519	780
New York	4,207	4,487	4,938	5,265
North Carolina	30,441	30,847	32,378	34,867
North Dakota	764	886	1,026	1,740
Ohio	361	441	530	672

<b>Number of H-2A Workers Petitioned (Cont'd)</b>				
<b>State</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Oklahoma	1,247	1,441	1,754	1,636
Oregon	1,051	959	1,250	1,427
Pennsylvania	452	529	725	843
Puerto Rico	0	0	0	23
South Carolina	3,871	4,965	5,609	4,523
South Dakota	567	931	1,073	1,583
Tennessee	629	877	2,553	3,735
Texas	2,907	3,279	5,768	7,101
Utah	483	553	584	706
Vermont	1,238	1,303	1,242	1,220
Virginia	10,422	14,891	15,475	18,109
Washington	19,403	27,103	24,895	27,833
West Virginia	103	128	130	219
Wisconsin	240	389	478	680
Wyoming	1,385	1,280	1,329	943
<b>Total</b>	<b>218,274</b>	<b>262,535</b>	<b>287,495</b>	<b>306,795</b>

**Note(s):**

- 1) The data reflects the most up-to-date estimate available at the time the database is queried, November 13, 2020.
- 2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.
- 3) State is based on petitioner's state reported on Form I-129, regardless of actual work location or employee's residency.
- 4) Number of workers is based on petitioner's number of beneficiaries reported on Form I-129.

**Source:** USCIS Office of Policy & Strategy

### COVID-Related Trends

Due to travel restrictions and visa processing limitations as a result of actions taken to mitigate the spread of COVID-19, as well as the possibility that some H-2A workers may become unavailable due to COVID-19 related illness or a reasonable fear of contracting the virus,<sup>6</sup> U.S. employers might not receive all of the workers requested to fill temporary agriculture positions. Similarly, employers that currently employ H-2A workers may lose the services of these workers due to COVID-19 related illness.

<sup>6</sup> See e.g., [chmpi.org/covid-19-highlights-systemic-flaws-in-h-2a-visa-program](https://chmpi.org/covid-19-highlights-systemic-flaws-in-h-2a-visa-program), and [santamariatimes.com/news/local/farmworker-dies-14-infected-in-covid-19-outbreak-at-santa-maria-h-2a-housing-sites/article\\_9037fb57-167f-54ee-b597-4cc76625ff18.html](https://santamariatimes.com/news/local/farmworker-dies-14-infected-in-covid-19-outbreak-at-santa-maria-h-2a-housing-sites/article_9037fb57-167f-54ee-b597-4cc76625ff18.html)

With possible delays of H-2A visa issuance at the U.S. Embassies and Consulates, DHS also determined that it was necessary to create a temporary exception to its regulations affecting H-2A workers in order to meet the needs of U.S. employers in the agricultural industries and encourage and facilitate lawful employment of temporary and seasonal agricultural workers during the COVID-19 national emergency. The flexibility for H-2A workers to temporarily stay in the U.S. continuously and to quickly move to a new employer is intended to help minimize any negative impact to the U.S. food supply chain due to COVID-19. Given the circumstances, DHS and USCIS published the TFRs (as discussed in the Background section) to give the agricultural sector greater certainty and flexibility to minimize gaps in their H-2A workflow.<sup>7</sup> We examined how, if any, these TFRs may have impacted H-2A petition receipts.

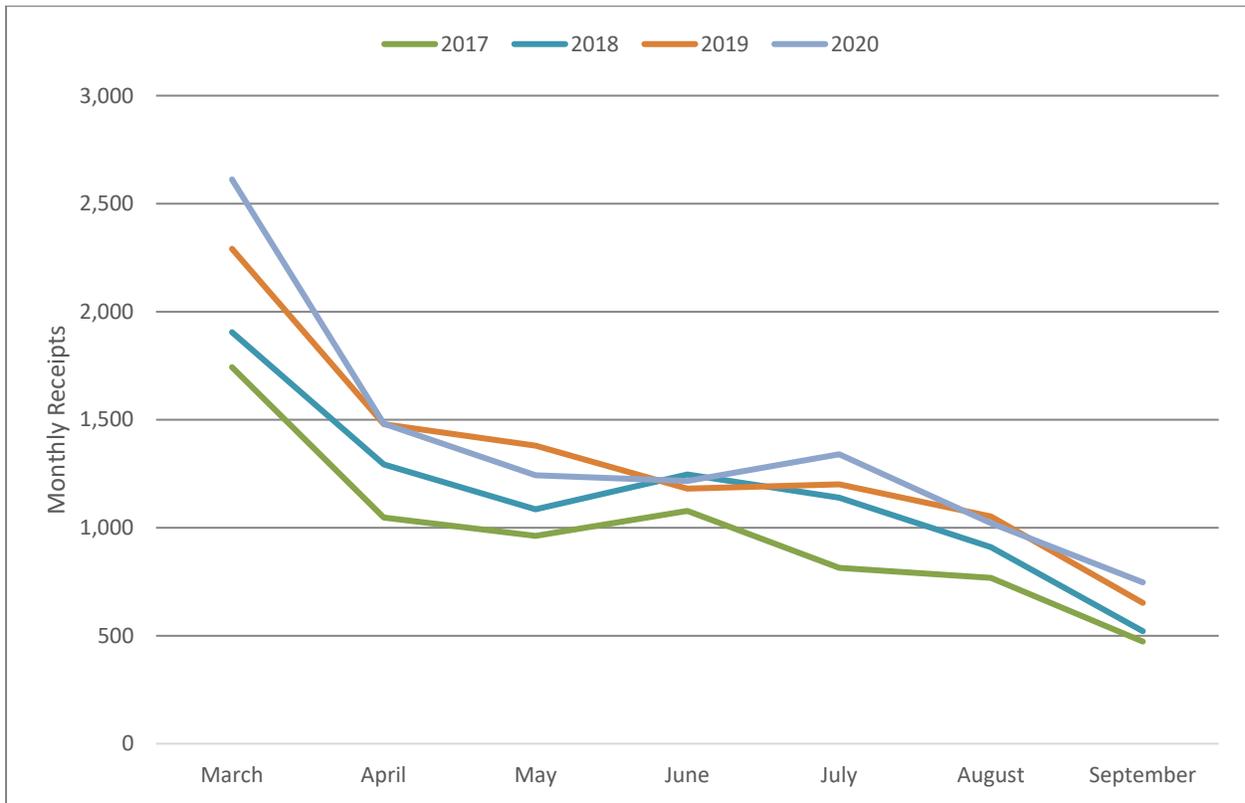
As discussed previously, H-2A receipts tend to peak between February and March and decline through September, with a small spike seen in June. During a “normal” year, we would expect to see a decline in receipts between April and September with a small spike in June. But because 2020 has not been a “normal” year due to the COVID-19 national emergency, and because of the flexibilities provided under the TFRs, we analyzed month-to-month and year-to-year receipts to understand receipt patterns and trends over time for FY 2020.

Results for FY 2020 showed that H-2A receipts declined more during the third quarter (April through June) than in previous years, as shown in Figure 5. For example, in FY 2019, receipts declined by a total of 57% during the third quarter, whereas receipts during the third quarter of FY 2020 declined by a total of 62%. However, compared to previous fiscal years, FY 2020 receipts declined less during the fourth quarter (July through September). For example, in FY 2019, receipts declined by a total of 49% during the fourth quarter, whereas receipts during the fourth quarter of FY 2020 declined by a total of 40%. These slight differences in receipt trends during the third and fourth quarter of FY 2020 may be related to the TFRs and warrant closer examination of petition types on a month-to-month basis.

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<sup>7</sup> See Temporary Changes to Requirements Affecting H-2A Nonimmigrants Due to the COVID-19 National Emergency, 85 Fed. Reg. 21739 (Apr. 20, 2020), 85 Fed. Reg. 51304 (Aug. 20, 2020) (codified at 8 CFR 214, 274).

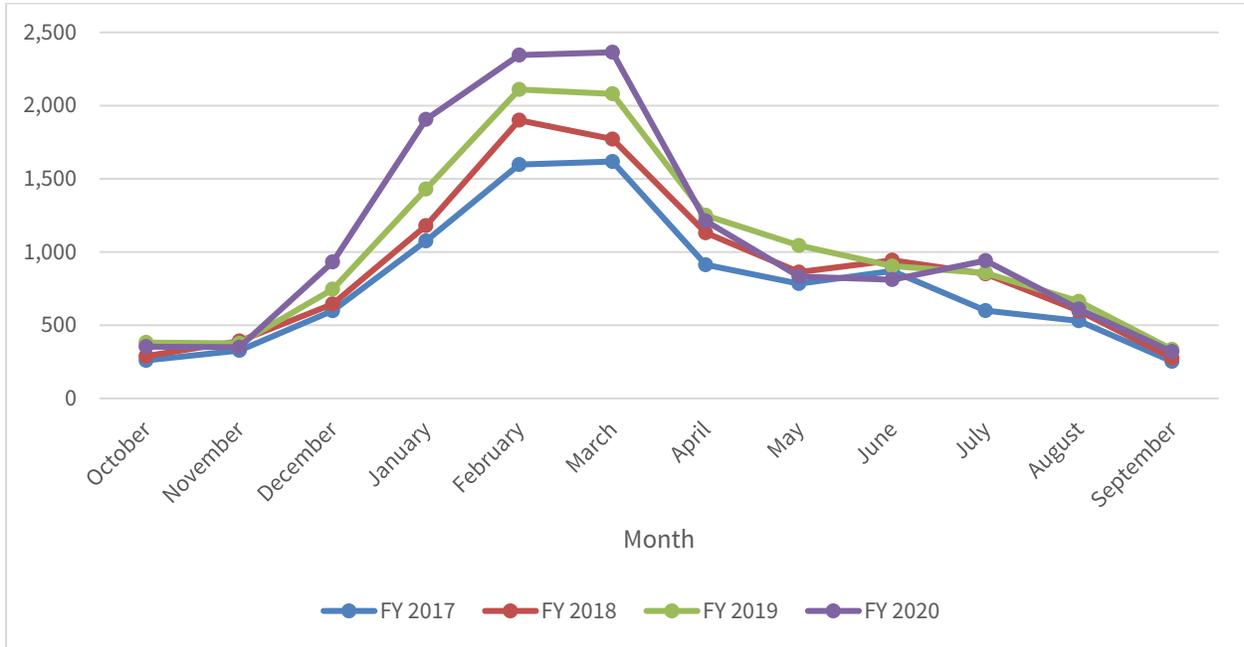
**Figure 5. Year-on-Year H-2A Monthly Receipt Comparison**



**Source:** USCIS Office of Policy & Strategy

Further analyses showed that declines in receipts were seen mostly for new employment petitions, as shown below in Figure 6 and Table 4.

**Figure 6. H-2A Petitions - New Employment**



Source: USCIS Office of Policy & Strategy

**Table 4. H-2A Petitions - New Employment by Month, FY, and Yearly Difference**

Month	FY 2017	FY 2018	FY 2019	FY 2020	FY17-18 Difference	FY18-19 Difference	FY19-20 Difference
October	260	289	382	354	11%	32%	-7%
November	328	392	376	350	20%	-4%	-7%
December	599	645	746	932	8%	16%	25%
January	1,076	1,180	1,430	1,906	10%	21%	33%
February	1,597	1,900	2,110	2,345	19%	11%	11%
March	1,618	1,771	2,080	2,364	9%	17%	14%
April	913	1,131	1,250	1,212	24%	11%	-3%
May	784	863	1,044	833	10%	21%	-20%
June	871	944	904	811	8%	-4%	-10%
July	600	851	857	941	42%	1%	10%
August	530	599	663	611	13%	11%	-8%
September	253	276	335	320	9%	21%	-4%

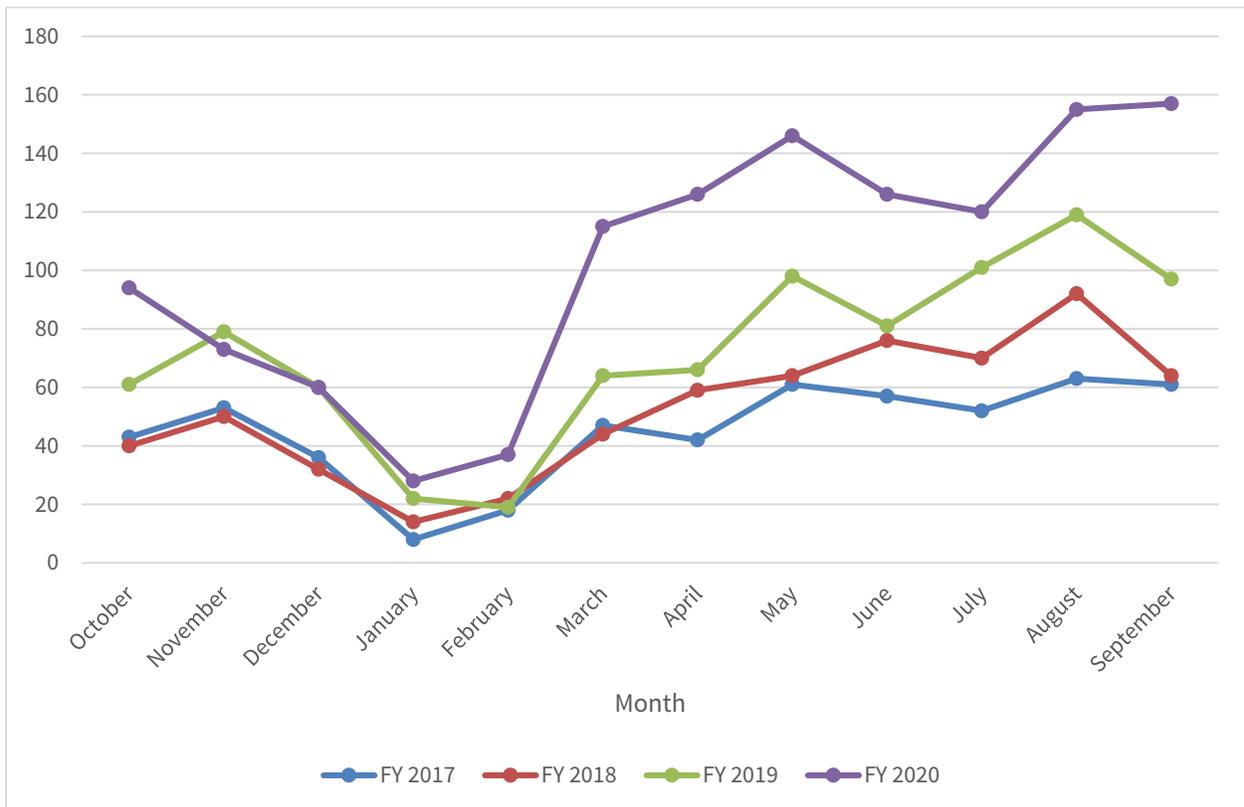
**Note(s):**

- 1) The data reflects the most up-to-date estimate available at the time the database is queried, November 13, 2020.
- 2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

Source: USCIS Office of Policy & Strategy

The number of petitions to change employers, however, increased more in FY 2020 than previous fiscal years, as shown in Figure 7 and Table 5 below. These patterns seen during the latter half of the fiscal year (April through September), which saw a decrease in petitions for new employment and an increase in petitions to change employers, may be associated with the TFR, which relaxed restrictions for H-2A workers who are already in the U.S. to begin employment with a new H-2A employer.

**Figure 7. H-2A Petitions - Change of Employer**



Source: USCIS Office of Policy & Strategy

**Table 5. H-2A Petitions - Change of Employer by Month, FY, and Yearly Difference**

Month	FY 2017	FY 2018	FY 2019	FY 2020	FY17-18 Difference	FY18-19 Difference	FY19-20 Difference
October	43	40	61	94	-7%	53%	54%
November	53	50	79	73	-6%	58%	-8%
December	36	32	60	60	-11%	88%	0%
January	8	14	22	28	75%	57%	27%
February	18	22	19	37	22%	-14%	95%
March	47	44	64	115	-6%	45%	80%
April	42	59	66	126	40%	12%	91%
May	61	64	98	146	5%	53%	49%
June	57	76	81	126	33%	7%	56%
July	52	70	101	120	35%	44%	19%
August	63	92	119	155	46%	29%	30%
September	61	64	97	157	5%	52%	62%

**Note(s):**

- 1) The data reflects the most up-to-date estimate available at the time the database is queried, November 13, 2020.
- 2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

**Source:** USCIS Office of Policy & Strategy

**Summary**

Trends in H-2A Nonimmigrant Temporary Agricultural Worker Petitions show that there is a cyclical pattern in receipts and approvals, where petitions steadily increase from October through February, peak between February and March, then decrease again through September, with a slight increase in June or July. H-2A petitions have steadily increased over the years at about a 16% each fiscal year; however, in FY 2020, that increase was only 10%. This drop in H-2A petitions may be due to travel restrictions and visa processing limitations that occurred during FY 2020 to prevent the spread of COVID-19, as well as the possibility that some H-2A workers may have been unavailable due to COVID-19 related illness or a reasonable fear of contracting the virus. DHS temporarily amended its H-2A regulations, which relaxed some of the restrictions, as discussed earlier. The April and August 2020 H-2A temporary final rules may have helped to mitigate a possible further decline of receipts due to COVID-related restrictions, as seen in the increase of petitions for change of employers during the latter half of the fiscal year. Caution should be taken in interpreting these results as many factors may impact receipts that are outside of USCIS's data available for analyses.