

H-2A Update: COVID-19

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H-2A arrivals in 2020 have been significantly impacted by COVID-19 with several agencies implementing policy changes to address visa processing and travel restrictions. The following is the current status of efforts:

- H-2A visa applications are being processed by consulates despite temporary suspension of routine visa services at all U.S. embassies and consulates because H-2 applications are mission-critical.
- Returning workers in the U.S. in the past 12 months were visa processed without an interview. On March 26, 2020 consulates in Mexico announced interview waivers to first-time applicants and to applicants whose visas expired in the past 48 months. Applicants who qualify will not require a consulate interview and may be scheduled to apply for visas immediately.
- Mexican H-2A workers may travel to U.S. job locations once processed by the consulate as essential travel.
- USDA and DOL are facilitating the identification of foreign and domestic workers that may be available and eligible to transfer to other U.S. agricultural employers to replace workers unable to consular process.
- Employers unable to meet three-fourths guarantee obligation due to COVID-19 pandemic need to request termination under the existing contract impossibility provision due to events outside employer's control.
- Families First Coronavirus Response Act (FFCRA) requires employers to provide paid leave to workers (including H-2A workers) suffering COVID-19 symptoms, quarantined or who are unable to work or need to care for children due to certain COVID-19 related issues.

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