



# H-2A Temporary Foreign Labor Certification Program

Michigan Department of Labor and Economic Opportunity  
Workforce Development



# H-2A Temporary Foreign Labor Certification Program

## What is the Foreign Labor Certification Program?

The Foreign Labor Certification (FLC) Program is a federal program established to allow the hiring of foreign workers for employment in the U.S. and normally requires approval from several government agencies.

The foreign labor certification process is the responsibility of the employer, not the employee. The actual procedures depend on the nature of the visa being requested.

- H-2A Temporary Foreign Labor Certification Program – Agricultural Employment
- H-2B Temporary Foreign Labor Certification Program – Non-Agricultural Employment



# H-2A Temporary Foreign Labor Certification Program

## What is the H-2A Temporary Foreign Labor Certification Program?

The H-2A temporary foreign labor certification program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature.

The H-2A temporary agricultural visa is a nonimmigrant visa which allows foreign nationals to enter the U.S. to perform agricultural labor or services of a temporary or seasonal nature.

- Although, a Temporary Final Rule established August 20, 2020 allows for H-2A workers to remain in the U.S. for up to 3 years,
- The employment cannot be for a term longer than one year with the same employer,
- The worker may remain in the U.S. for up to 60 days after their last day of work with the contracting employer, in an effort to obtain new employment.



# H-2A Temporary Foreign Labor Certification Program

## Role of State Workforce Agency (SWA) in the H-2A FLC Program

The central requirement of the H-2A Program is to determine whether there are sufficient able, willing, and qualified U.S. workers available to perform the temporary and seasonal employment for which an employer desires to import nonimmigrant foreign workers.

Other functions include:

- Reviewing H-2A applications for compliance with relevant federal, state and local regulations.
- Collaborate with Michigan Department of Agriculture and Rural Development for housing inspections.
- Post jobs on the Pure Michigan Talent Connect website (MiTalent.org).
- Train Michigan Works! and State of Michigan staff about their role in the H-2A program.
- Conduct agricultural prevailing wage and practice surveys throughout Michigan to determine common employment practices and average wages.
- Complete field checks when U.S. workers are referred to H-2A jobs.



# H-2A Temporary Foreign Labor Certification Program

## The application and recruitment process for H-2A jobs

The Employer submits the H-2A FLC application with USDOL- Office of Foreign Labor Certification (OFLC) 75-60 days prior to the date of need (a.k.a. anticipated employment start date).



OFLC then assigns the Clearance (job) Order to the SWA to review the job order for approval within 7 days of receipt. If approved, the job order is posted locally and as an Intrastate Clearance Order (recruiting within Michigan).



The SWA notifies OFLC to review the job order for acceptance of an Interstate Clearance Order (recruiting outside Michigan).



# H-2A Temporary Foreign Labor Certification Program

## The application and assurance process for H-2A jobs

## There are 17 Conditions of Employment and Assurances for H-2A Agricultural Clearance Orders that the SWA and OFLC must review and ensure are contained within the ETA-790A.

OMB Approval: 1205-0466  
Expiration Date: XXXXXXXX

H-2A Agricultural Clearance Order  
Form ETA-790A  
U.S. Department of Labor



**1. Conditions of Employment and Assurances for H-2A Agricultural Clearance Orders**  
By virtue of my signature below, I HEREBY CERTIFY my knowledge of and compliance with applicable Federal, State, and local employment-related laws and regulations, including employment-related health and safety laws, and certify the following conditions of employment:

- JOB OPPORTUNITY:** Employer assures that the job opportunity identified in this clearance order (hereinafter also referred to as the "job order") is a temporary position being placed with the SWA in connection with the SWA Application for Temporary Employment Certification for H-2A workers and this clearance order satisfies the requirements for agricultural clearance orders in 20 CFR 653, subpart F and the requirements set forth in 20 CFR 655.122. This job opportunity offers U.S. workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers and complies with the requirements at 20 CFR 655, Subpart L. The job opportunity is open to any qualified U.S. worker regardless of race, color, national origin, age, sex, religion, handicap, or citizenship.
- NO STRIKE, LOCKOUT, OR WORK STOPPAGE:** Employer assures that this job opportunity, including all worksites for which the employer is requesting H-2A labor certification does not currently have workers on strike or being locked out in the course of a labor dispute. 20 CFR 655.135(c).
- HOUSING FOR WORKERS:** Employer agrees to provide for or secure housing for H-2A workers and those workers in corresponding employment who are not reasonably able to return to their residence at the end of the work day. That housing complies with the applicable local, State, or Federal standards and is sufficient to house the specified number of workers requested through the clearance system. The employer will provide the housing without charge to the worker. Any charges for rental housing will be paid directly by the employer to the owner or operator of the housing. If public accommodations are provided to workers, the employer agrees to pay all housing-related charges directly to the housing's management. The employer agrees that charges in the form of deposits for bedding or other similar incidentals related to housing (e.g., utilities) must not be levied upon workers. However, the employer may require workers to reimburse them for damage caused to housing by the individual worker(s) found to be responsible for damage which is not the result of normal wear and tear related to habitation. When it is the prevailing practice in the area of intended employment and the occupation to provide family housing, the employer agrees to provide family housing at no cost to workers with families who request it. 20 CFR 655.122(c), 653.501(c)(3)(v).
- Request for Conditional Access to Intra-state or Interstate Clearance System:** Employer assures that the housing disclosed on this clearance order will be in full compliance with all applicable local, State, or Federal standards at least 20 calendar days before the housing is to be occupied. 20 CFR 653.502(c)(3). The Certifying Officer will not certify the application until the housing has been inspected and approved.
- WORKERS' COMPENSATION COVERAGE:** Employer agrees to provide workers' compensation insurance coverage in compliance with State law covering injury and disease arising out of and in the course of the worker's employment, if the type of employment for which the certification is sought is not covered by or exempt from the State's workers' compensation law, the employer agrees to provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment that will provide benefits at least equal to those provided under the State worker's compensation law for other comparable employment. 20 CFR 655.122(e).
- EMPLOYER-PROVIDED TOOLS AND EQUIPMENT:** Employer agrees to provide the worker, without charge or deposit charge, all tools, supplies, and equipment required to perform the duties assigned. 20 CFR 655.122(f).
- MEALS:** Employer agrees to provide each worker with three meals a day or furnish free and convenient cooking and kitchen facilities to the workers that will enable the workers to prepare their own meals. Where the employer provides the meals, the job offer will state the charge, if any, to the worker for such meals. The amount of meal charges is governed by 20 CFR 655.173, 20 CFR 655.122(g).

- For workers engaged in the herding or production of livestock on the range, the employer agrees to provide each worker, without charge or deposit charge, (1) either three sufficient meals a day or free and convenient cooking facilities and adequate provision of food to enable the worker to prepare his own meals. To be sufficient or adequate, the meals or food provided must include a daily course of protein, vitamins, and minerals, and (2) adequate potable water, or water that can be readily rendered potable and the worker to do so. 20 CFR 655.210(a).
- TRANSPORTATION AND DAILY SUBSISTENCE:** Employer agrees to provide the following transportation and daily subsistence benefits to eligible workers:
  - Transportation to Place of Employment (Inbound):**
    - If the worker completes 50 percent of the work contract period, and the employer did not directly provide such transportation or subsistence or otherwise has not yet paid the worker for such transportation or subsistence costs, the employer agrees to reimburse the worker for the reasonable costs incurred by the worker for transportation and daily subsistence from the place from which the worker has come to work for the employer, whether in the U.S. or abroad to the place of employment. The amount of the transportation payment must be no less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved. The amount the employer will pay for daily subsistence expenses are those amounts disclosed in this clearance order, which are at least as much as the employer would charge the worker for providing such worker with three meals a day during employment (if applicable), but is no more than the amount permitted under 20 CFR 655.122(h).
  - Transportation from Place of Employment (Outbound):**
    - If the worker completes the work contract period, or is terminated without cause, and the worker has no immediate subsequent H-2A employment, the employer agrees to provide or reimburse the worker for transportation and daily subsistence from the place of employment to the place from which the worker, disregarding intervening employment, departed to work for the employer. Return transportation will not be provided to workers who voluntarily abandon employment before the end of the work contract period, or who are terminated for cause. If the employer follows the notification requirements in 20 CFR 655.122(i).

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H-2A Agricultural Clearance Order  
Form ETA-790A  
U.S. Department of Labor



**2. Conditions of Employment and Assurances for H-2A Agricultural Clearance Orders**  
By virtue of my signature below, I HEREBY CERTIFY my knowledge of and compliance with applicable Federal, State, and local employment-related laws and regulations, including employment-related health and safety laws, and certify the following conditions of employment:

- RATES OF PAY:** The employer agrees that it will offer, advertise in its recruitment, and pay at least the Adverse Effect Wage Rate (AEWR), the prevailing hourly wage rate, the prevailing piece rate, the agreed-upon collective bargaining rate, or the Federal or State minimum wage rate, in effect at the time work is performed, whichever is highest. If the worker is paid by the hour, the employer must pay this rate for every hour or portion thereof worked during a pay period. If the offered wage(s) disclosed in this clearance order is/are based on commission, bonuses, or other incentives, the employer guarantees the wage paid on a weekly, semi-monthly, or monthly basis will equal or exceed the AEWR, prevailing hourly wage or piece rate, the legal Federal or State minimum wage, or any agreed-upon collective bargaining rate, whichever is highest.
- Frequency of Payment:** The employer agrees to pay the worker on a piece rate basis and at the end of the pay period the piece rate does not result in average hourly piece rate earnings during the pay period at least equal to the amount the worker would have earned had the worker been paid at the appropriate hourly rate of pay, the employer agrees to supplement the worker's pay at that time so that the worker's earnings are at least as much as the worker would have earned during the pay period if the worker had instead been paid at the appropriate hourly wage rate for each hour worked. 20 CFR 655.120, 655.122(j).
- Compliance with Transportation Standards:** Employer assures that all employer-provided transportation will comply with all applicable Federal, State, or local laws and regulations. Employer agrees to provide, at a minimum, the same transportation safety standards, driver licensure, and vehicle insurance as required under 29 U.S.C. 1841 and 29 CFR 500.105 and 29 CFR 500.120 to 500.128. If workers' compensation is used to cover transportation, in lieu of vehicle insurance, the employer will ensure that such workers' compensation covers all travel or that vehicle insurance exists to provide coverage for travel not covered by workers' compensation. Employer agrees to have property damage insurance. 20 CFR 655.122(k)(4).
- THREE-FOURTHS GUARANTEE:** Employer agrees to offer the worker employment for a total number of work hours equal to at least three-fourths of the workdays of the total period beginning with the first workday after the arrival of the worker at the place of employment or the advertisement's initial date of need, whichever is later, and ending on the expiration date specified in the work contract or in its extensions, if any. 20 CFR 655.122(i).
- Frequency of Pay:** Employer agrees to pay workers when due based on the frequency disclosed in this clearance order. 20 CFR 655.122(m).
- ABANDONMENT OF EMPLOYMENT OR TERMINATION FOR CAUSE:** If a worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the employer is not responsible for providing or paying for the subsequent transportation and subsistence expenses of that worker, and that worker is not entitled to the three-fourths guarantee. If the employer notifies the Department of Labor and, if applicable, the Department of Homeland Security, in writing or by any other method specified by the Department of Labor or the Department of Homeland Security in the Federal Register, not later than 2 working days after the abandonment or termination occurs, the worker will be deemed to have abandoned the work contract if the worker fails to show up for work at the regularly scheduled time and place for 5 consecutive work days without the consent of the employer. 20 CFR 655.122(n).
- CONTRACT IMPOSSIBILITY:** The work contract may be terminated before the end date of the work contract if the services of the workers are no longer required for reasons beyond the control of the employer due to fire, weather, or other act of God that makes fulfillment of the contract impossible, as determined by the U.S. Department of Labor. In the event that the work contract is terminated, the employer agrees to fulfill the three-fourths guarantee for the time that has elapsed from the start date of work specified in the work contract to the date of termination. The employer also agrees that it will make efforts to transfer the worker to other comparable employment acceptable to the worker and consistent with existing immigration laws. In situations where a transfer is not effected, the employer agrees to return the worker at the employer's expense to the place from which the worker, disregarding intervening employment, came to work for the employer, or transport the worker to his/her next certified H-2A employer, whichever the worker prefers. The employer will also reimburse the worker the full amount of any deductions made by the employer from the worker's pay for transportation and subsistence expenses to the place of employment. The employer will also pay the worker for any transportation and subsistence expenses incurred by the worker to that employer's place of employment. The amounts the employer will pay for subsistence expenses per day are those amounts disclosed in this clearance order. The amount of the transportation payment must not be less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved. 20 CFR 655.122(o).
- EMPLOYER'S RECORDS:** In circumstances where the work contract is terminated due to contract impossibility under 20 CFR 655.122(n), the employer will also pay the worker for any transportation and subsistence expenses incurred by the worker to that employer's place of employment. The amounts the employer will pay for subsistence expenses per day are those amounts disclosed in this clearance order. The amount of the transportation payment must not be less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved. 20 CFR 655.122(o).
- Important Note:** In circumstances where the work contract is terminated due to contract impossibility under 20 CFR 655.122(n), the employer will also pay the worker for any transportation and subsistence expenses incurred by the worker to that employer's place of employment. The amounts the employer will pay for subsistence expenses per day are those amounts disclosed in this clearance order. The amount of the transportation payment must not be less (and is not required to be more) than the most economical and reasonable common carrier transportation charges for the distances involved. 20 CFR 655.122(o).
- EDUCATIONS FROM WORKER'S PAY:** Employer agrees to make all deductions from the worker's paycheck required by law. This job offer discloses all deductions not required by law which the employer will make from the worker's paycheck and all such deductions are reasonable, in accordance with 20 CFR 655.122(p) and 29 CFR part 531. The wage requirements of 20 CFR 655.120 will not be met where undiscovered deductions made from the worker's wages or piece rates are used, the minimum amount of the wage payment made to the worker under 20 CFR part 655, subpart B, or where the employer fails to receive such amounts free and clear because the employee kicks back directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to the worker. 20 CFR 655.122(q).
- DISCLOSURE OF WORK CONTRACT:** Employer agrees to provide a copy of the work contract to an H-2A worker no later than the time at which the worker applies for the visa, or to a worker in corresponding employment no later than on the day work commences. For an H-2A worker, the time at which the worker applies for the visa, or to a worker in corresponding employment no later than on the day work commences, is the time an offer of employment is made to the H-2A worker. A copy of the work contract will be provided to each worker in a language understood by the worker, as necessary or reasonable. In the absence of a separate, written work contract entered into between the employer and the worker, the required terms of this clearance order, including all Addendums, and the certified H-2A Application for Temporary Employment Certification will be the work contract. 20 CFR 655.122(r).

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H-2A Agricultural Clearance Order  
Form ETA-790A  
U.S. Department of Labor



**3. Conditions of Employment and Assurances for H-2A Agricultural Clearance Orders**  
By virtue of my signature below, I HEREBY CERTIFY my knowledge of and compliance with applicable Federal, State, and local employment-related laws and regulations, including employment-related health and safety laws, and certify the following conditions of employment:

- ADDITIONAL ASSURANCES FOR CLEARANCE ORDERS:**
  - Employer agrees to provide to workers referred through the clearance system the number of hours of work disclosed in this clearance order for the week beginning with the anticipated date of need, unless the employer has amended the date of need at least 10 business days before the original date of need by so notifying the Order-Holding Office (OHO) in writing (e.g., e-mail notification). The employer understands that it is the responsibility of the SWA to make a record of all notifications and attempt to inform referred workers of the amended date of need expeditiously. 20 CFR 653.501(c)(3)(i).
  - If there is a change to the anticipated date of need, and the employer fails to notify the OHO at least 10 business days before the original date of need, the employer agrees that it will pay eligible workers referred through the clearance system the specified rate of pay disclosed in this clearance order for the first week starting with the originally anticipated date of need or will provide alternative work if such alternative work is stated on the clearance order. 20 CFR 653.501(c)(5).
  - Employer agrees that no extension of employment beyond the period of employment specified in the clearance order will relieve it from paying the wages already earned, or if specified in the clearance order as a term of employment, providing transportation from the place of employment, as described in paragraph 1.B above. 20 CFR 653.501(c)(3)(iv).
  - Employer assures that all working conditions comply with applicable Federal and State minimum wage, child labor, social security, health and safety, farm labor contractor registration, and other employment-related laws. 20 CFR 653.501(c)(3)(ii).
  - Employer agrees to expeditiously notify the OHO or SWA by e-mail and telephoning immediately upon learning that a crop is maturing earlier or later, or that weather conditions, over-recruitment, or other factors have changed the terms and conditions of employment. 20 CFR 653.501(c)(3)(v).
  - If acting as a farm labor contractor (FLC) or farm labor contractor employee (FLECE) on this clearance order, the employer assures that it has a valid Federal FLC certificate or Federal FLECE identification card and when appropriate, any required State FLC certificate. 20 CFR 653.501(c)(3)(vi).
  - Employer assures that outreach workers will have reasonable access to the workers in the conduct of outreach activities pursuant to 20 CFR 653.107. 20 CFR 653.501(c)(3)(vii).

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**4. Declaration of Penalties for False Information**  
I declare under penalty of perjury that I have read and reviewed this clearance order, including every page of this Form ETA-790A and all supporting addendums, and that to the best of my knowledge, the information contained therein is true and accurate. This clearance order describes the actual terms and conditions of the employment being offered by me and contains all the material terms and conditions of the job. 20 CFR 653.501(c)(3)(viii). I understand that to knowingly furnish materially false information in the preparation of this form and any supplement thereof to aid, abet, or counsel another to do so is a federal offense punishable by fines, imprisonment, or both. 18 U.S.C. 2, 101.

1. Last (family) name *	2. First (given) name *	3. Middle initial #
4. Title *		
5. Signature (or digital signature) *	6. Date signed *	

**Employment Service Statement**  
Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average .63 hours per response for all information collection requirements, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing, reviewing, and submitting the collection of information. The obligation to respond to this data collection is required to obtain certain benefits (44 U.S.C. 3501; Immigration and Nationality Act, 8 U.S.C. 1101, et seq.). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, 200 Constitution Ave., NW, Suite PFR 12-200, Washington, DC, 20210. (Paperwork Reduction Project OMB 1205-0466). Do NOT send the completed application to this address.

**Public Burden Statement (1205-0466)**  
Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average .63 hours per response for all information collection requirements, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing, reviewing, and submitting the collection of information. The obligation to respond to this data collection is required to obtain certain benefits (44 U.S.C. 3501; Immigration and Nationality Act, 8 U.S.C. 1101, et seq.). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, 200 Constitution Ave., NW, Suite PFR 12-200, Washington, DC, 20210. (Paperwork Reduction Project OMB 1205-0466). Do NOT send the completed application to this address.



# H-2A Temporary Foreign Labor Certification Program

## The application and recruitment process for H-2A jobs

Local Job Order (recruiting within a normal commuting distance)



Intrastate Clearance Order (recruiting within Michigan)



Interstate Clearance Order (recruiting outside Michigan)



Certification for employers who filed criteria clearance orders to recruit H-2A visa workers, if enough U.S. workers have not been located for referral to available agricultural jobs.



# H-2A Temporary Foreign Labor Certification Program

## Designation of Supply States

When an application (clearance order) reaches Interstate stage, USDOL designates the states that will serve as “supply” states, as shown in the bulleted list here.



The Interstate Clearance Order is then sent to labor supply states for posting of the available job on their state’s labor exchange system, and recruitment of able, willing and qualified U.S. domestic workers.

- Ohio
- Indiana
- Texas
- Florida
- Georgia
- North Carolina
- Puerto Rico





# H-2A Temporary Foreign Labor Certification Program

## Estimates of Migrant and Seasonal Farmworkers including H-2A

It is estimated that there are nearly 45,000 MSFWs in the state during peak harvest season ranging from June through August.

- 22,000 Seasonal Farm Workers = 47.2%
- 9,500 Migrant Farm Workers = 21%
- 9,500 Employer Recruited H-2A Workers = 21%
- 4,000 MSFWs including H-2A workers recruited through Farm Labor Contractors = .8%



# H-2A Temporary Foreign Labor Certification Program

## H-2A Program Utilization

- Contracts throughout Michigan, with the majority on the west side of the state
- There continues to be an increase in the use of the temporary FLC Program nationally.
- Variety of reasons for increased utilization:
  - Decrease in migrant family housing
  - Employers need workers
  - Delayed migrant worker arrival due to children in school resulting in jobs no longer available.
  - Declining general workforce population resulting in increased job opportunities for MSFWs in other industries and/or entrepreneurship.



# H-2A Temporary Foreign Labor Certification Program

## Population and Workforce trends that impact H-2A Program Utilization

The natural birth rate and projected death rate in Michigan shows a steady increase in the general Michigan population. However, it also shows several declines in various age groups, with significant increases in the groups over 60 years of age.

Population Projections

Area	Sex		Year					
			2020	2025	2030	2035	2040	2045
Michigan	Total	Total	10,023,422	10,202,350	10,424,509	10,569,984	10,646,089	10,606,197
		0 To 4	577,702	600,374	605,665	597,726	589,247	586,529
		5 To 9	588,455	597,506	626,821	631,352	622,726	608,086
		10 To 14	604,056	600,479	615,371	644,050	647,912	633,953
		15 To 19	637,950	612,292	613,685	628,077	656,160	655,521
		20 To 24	668,289	635,696	615,975	616,300	629,503	651,860
		25 To 29	703,155	661,322	641,109	619,904	618,735	620,469
		30 To 34	629,440	716,753	685,983	664,917	642,767	631,883
		35 To 39	595,854	637,641	731,920	700,663	678,910	650,005
		40 To 44	576,612	604,982	652,677	745,413	713,806	686,539
		45 To 49	590,115	570,838	603,907	650,454	741,290	705,480
		50 To 54	640,587	589,624	575,500	607,360	652,479	737,140
		55 To 59	696,393	627,140	582,152	568,088	598,331	637,943
		60 To 64	699,203	670,699	608,854	565,253	551,521	576,374
		65 To 69	601,391	654,989	631,862	573,462	531,913	515,846
		70 To 74	474,771	540,723	591,841	570,318	517,122	476,661
		75 To 79	321,077	404,573	463,011	506,504	487,437	440,272
80 To 84	204,568	251,159	317,981	363,381	396,751	380,392		
85+	213,796	225,551	260,187	316,754	369,473	411,235		

Source: Michigan DTMB Bureau of Labor Market Information and Strategic Initiatives



MICHIGAN DEPARTMENT OF  
LABOR & ECONOMIC  
OPPORTUNITY

WORKFORCE  
DEVELOPMENT

# H-2A Temporary Foreign Labor Certification Program

## Population and Workforce trends that impact H-2A Program Utilization

When considering the portion of the population that consists of Michigan's Labor Force, the projections once again show a steady increase in general. However, it also shows several declines in various age groups, with significant increases in the groups over 60 years of age.

Labor Force Projections

Area	Sex	Age	2020		Year 2024		2028	
			Labor Force	LFPR	Labor Force	LFPR	Labor Force	LFPR
Michigan	Total	16-19	200,000	39.0%	178,100	35.9%	158,800	32.9%
		20-24	479,800	72.3%	452,800	70.9%	432,200	69.4%
		25-34	1,069,900	80.7%	1,104,300	80.0%	1,068,300	79.2%
		35-44	956,100	82.4%	992,600	82.2%	1,081,000	82.1%
		45-54	974,900	79.7%	920,800	79.3%	904,600	78.9%
		55-64	851,900	61.3%	816,600	62.6%	786,900	63.9%
		65-74	270,300	25.2%	319,600	27.3%	360,300	29.6%
		75-99	64,500	8.7%	84,100	9.9%	108,500	11.1%
		Total	4,867,400	60.2%	4,868,900	59.3%	4,900,600	58.7%

Source: Michigan DTMB Bureau of Labor Market Information and Strategic Initiatives



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# H-2A Temporary Foreign Labor Certification Program

## Population and Workforce trends that impact H-2A Program Utilization

The table below offers an 8-year projection for 8 of the most common MSFW occupations within the agricultural industry. While two of the occupations show significant job losses, there are 4 other occupations that show anticipated increases that would lead to a minimal overall increase in projected jobs within the agricultural industry.

### Industry Employment Projections

Area	Period	Industry Code & Title	Base Year Employment	Projected Employment	Numeric Change	% Change
Michigan	2018 - 2028 Long Term Projections	110000 - Agriculture, Forestry, Fishing & Hunting	30,360	30,820	460	1.50%
Michigan	2018 - 2028 Long Term Projections	111000 - Crop Production	15,980	15,410	-570	-3.60%
Michigan	2018 - 2028 Long Term Projections	112000 - Animal Production	9,230	10,190	960	10.40%
Michigan	2018 - 2028 Long Term Projections	113000 - Forestry and Logging	1,870	1,870	0	0.00%
Michigan	2018 - 2028 Long Term Projections	114000 - Fishing, Hunting and Trapping	180	180	0	0.00%
Michigan	2018 - 2028 Long Term Projections	115000 - Agriculture & Forestry Support Activity	3,100	3,170	70	2.30%
Michigan	2018 - 2028 Long Term Projections	311000 - Food Manufacturing	38,570	37,530	-1,040	-2.70%
Michigan	2018 - 2028 Long Term Projections	312000 - Beverage & Tobacco Product Manufacturing	8,140	8,690	550	6.80%

Source: Michigan DTMB Bureau of Labor Market Information and Strategic Initiatives

# H-2A Temporary Foreign Labor Certification Program

## What is the correlation with regard to migrant labor housing?

The H-2A temporary FLC program serves as an alternative option for agricultural employers to supplement their labor force due to an anticipated shortage of U.S. domestic workers. The H-2A program is not meant to supply 100% of the labor pool needed to complete the work for an entire growing and harvesting season.

As stated in the MDARD press release on January 28, 2021: “The assumption was that a lack of affordable housing was playing a key role in the labor shortages processors and producers were facing in Michigan and that it had threatened the security of our food supply chain.”

Furthermore, the conclusionary statement in the MICHIGAN FOOD AND AGRICULTURE HOUSING TASK FORCE REPORT states: “Based on information gathered during the taskforce’s work it was determined that a lack of affordable housing plays a critical role in the ability to find and retain a sufficient workforce for the food and agriculture industry.”



**Hector Arroyo Jr.**  
**State Administrative Manager**

Michigan Department of  
Labor and Economic Opportunity –  
Workforce Development

**Agricultural and Foreign Labor Services**

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