

■ **IMMIGRATION AND NATIONALITY ACT (*TEMPORARY AGRICULTURAL WORKERS*)**

**TERMS:** Both the job offer and the work contract required when a farming establishment applies for temporary foreign agricultural workers under the so-called "H-2A" program must contain certain minimum standards and guarantees, including requirements related to worker transportation.

**Transportation to the Place of Employment** — Each foreign or domestic worker hired under an H-2A work contract who completes 50 percent of the contract period is entitled to transportation and meal expenses between the worker's previous location and the place of employment. Transportation and meal costs must be advanced to the worker before the trip whenever it is common practice for non-users of foreign labor in the same occupation and the same area to do so.

**Daily Transportation to the Worksite** — During the course of the contract, the employer must provide transportation between the worker's living quarters and the worksite, without cost, but only to the extent that the worker is unable to return to his or her own home within the same day.

**Return Transportation** — Provided the worker completes the contract period, the employer is obligated to furnish or pay for the worker's transportation and daily living costs back to the place of origin or to the next place of employment, if such travel costs are not covered by the next employer.

**ENFORCEMENT:** *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* The Wage and Hour Division is responsible for enforcing the required work contract — including the obligation to provide employee transportation — between employers who use foreign workers under the H-2A program, and the foreign and U.S. workers recruited under the H-2A application. Local offices of the Wage and Hour Division may be located on the agency's website, at [www.dol.gov/whd/america2.htm](http://www.dol.gov/whd/america2.htm).

**SPECIAL NOTE:** An employer may not fire, discipline or discriminate in any way against a worker because the worker has consulted with an attorney or legal services program, filed a complaint, participated in an investigation or other enforcement action, or made use of any other right under this law. Reports of unlawful retaliation should be filed with the Wage and Hour Division.