



August 11, 2025

Unauthorized Farmworkers in the United States

In June 2025, some news stations reported that U.S. Immigration and Customs Enforcement agents had conducted immigration raids of farms and meat processing plants in [California](#), [Nebraska](#), [New York](#), and [New Mexico](#), removing workers thought to be without the necessary authorization to work in the United States. Some agricultural industry stakeholders stated that such actions could result in labor shortages that may cause [reductions in the domestic food supply and higher grocery prices](#) for U.S. families. News stories vary whether such raids and arrests on agricultural operations have paused or whether [such enforcement actions continue](#).

This In Focus provides an overview of farmworkers in the United States, farm labor challenges facing the agricultural industry, and selected policy issues that Congress may consider.

Farmworkers in the United States

According to the [2022 Census of Agriculture](#) (the most recent survey), there are 1.9 million farms operated by 3.4 million farmers in the United States. Many U.S. farmers hire workers in the United States to help with their operations. Some farmers hire farmworkers directly, while others work with labor contractors who supply farmers with workers. The [U.S. Bureau of Labor Statistics](#) (BLS) reported that in 2024, U.S. farmers and labor contractors hired approximately 1.2 million domestic farmworkers to work on crop and livestock production operations.

H-2A Program

Some farmers and labor contractors in the United States hire foreign-born farmworkers through the [H-2A Temporary Agricultural Worker program](#). The program allows for the admission of foreign workers to the United States to perform agricultural labor or services on a seasonal or temporary basis. The program is administered by the Department of Labor (DOL) and the Department of Homeland Security (DHS). Employers submit applications for temporary labor certification to DOL for a particular number of workers and then file petitions for those workers with DHS. Eligible foreign-born workers who are abroad then apply for H-2A visas to be issued from the Department of State at an embassy or consulate abroad.

In FY2024, DOL approved applications for temporary labor certifications for approximately [363,000 H-2A farmworkers](#) to work on U.S. crop and livestock production operations. In 2021, the U.S. Department of Agriculture (USDA) [Economic Research Service](#) (ERS) found that in 2019, farmers growing vegetables, melons, fruits, and tree nuts were the dominant users of the H-2A program compared with farmers growing field crops, operating greenhouse and nursery productions, and processing animal products.

Unauthorized Farmworkers

Some foreign-born farmworkers are authorized to work in the United States. These include naturalized citizens, lawful permanent residents, and foreign temporary agricultural workers on H-2A visas, among others. A segment of hired foreign-born crop workers are without authorization to work in the United States.

DOL's [National Agricultural Workers Survey \(NAWS\)](#) is a federal survey that collects data on the legal status of farmworkers in the United States. The survey is limited to farmworkers on farms that produce crops such as fruits, vegetables, and row crops. The survey does not include workers on dairy, poultry, hog, or other livestock-related farms. The [2021-2022 NAWS](#), the most recent survey, found that [37%-47% \(at a 95% confidence interval\)](#) of farmworkers on U.S. farms producing crops lacked the authorization to work in the United States. CRS estimated the number of unauthorized farmworkers on U.S. farms producing crops using the NAWS data. CRS multiplied the lower bound of the estimated percent of unauthorized crop farmworkers from NAWS (37%) by the approximate number of farmworkers on crop-producing farms in 2022 from [BLS](#) (885,000).

Assuming the results of the NAWS survey remain applicable, roughly 327,000 farmworkers on U.S. crop-producing farms may be unauthorized to work in the United States. CRS was unable to identify federal data on the legal status of farmworkers on livestock-related farms. A news story reported that immigration enforcement actions have resulted in [detention of approximately 100,000 people](#) nationwide across diverse industries and locations. Such actions may result in the removal of additional farmworkers from the United States, which may affect the availability of domestic farmworkers in the long term.

Industry Challenges

Researchers have identified [farm labor shortages](#) as an ongoing challenge for U.S. farmers for more than a decade. Farm labor shortages were exacerbated during the [COVID-19 pandemic](#). Farmers and other industry stakeholders cite several factors contributing to farm labor shortages, including a limited supply of domestic farmworkers, the cost of participating in the H-2A program, and the difficulty of confirming the legal status of farmworkers.

Domestic Labor Supply

According to some researchers, domestic workers are reluctant to work agricultural jobs. One reason, among others cited, is the physical nature of the work, which often takes place in the summer months. [Agricultural industry stakeholders](#) state that many farmers and ranchers struggle

to find enough workers to help them harvest and process their products.

H-2A Program

According to [USDA ERS](#), in 2021, the costs to hire H-2A workers exceeded those to hire domestic farmworkers. This is due to a variety of factors, such as visa fees, housing, and travel costs. In addition, employers are required to pay H-2A workers the [highest of several wage rates](#), such as the [adverse effect wage rate](#); prevailing hourly rate or piece rate; agreed-upon collective bargaining wage; or the applicable federal, state, or local minimum wage. This requirement aims to ensure that the employment of foreign workers will not adversely affect the wages of U.S. workers. In May 2025, over 100 Members sent a [letter](#) to Chairman Robert Aderholt and ranking member Rosa L. DeLauro of the House Committee on Appropriations' Subcommittee on Labor, Health and Human Services, and Education stating that H-2A labor rates paid by agricultural employers have become unaffordable and put "financial strain on farm operations of all sizes." The Members requested that, through appropriations legislation, the adverse effect wage rate be kept the same in FY2026.

Legal Status of Workers

Some employers may have difficulty confirming the legal status of workers, which may put them at risk of hiring unauthorized workers who could be deported. A [news story](#) reported that some workers have submitted stolen valid identification cards to their employers.

Selected Issues for Congress

Members may consider the potential for farm labor shortages on U.S. farms and ranches and whether to mitigate their effects should shortages occur. Mitigation considerations may include whether to (1) amend the H-2A program requirements, (2) establish additional farmworker standards, or (3) provide federal assistance to farmers. Members may consider the effects of congressional committee jurisdiction when weighing legislative approaches.

H-2A Program

Congress could consider whether to amend the H-2A program requirements to help increase the number of authorized foreign-born farmworkers in the United States. Some options for amending the program may include (1) streamlining the application process for farmers, (2) allowing farmers to apply for farmworkers to work for longer periods, or (3) modifying the required minimum wage rates (also known as the adverse effect wage rates). While the H-2A program focuses on foreign-born agricultural workers, it is not under the jurisdiction of the House Committee on Agriculture or the Senate Committee on Agriculture, Nutrition, and Forestry. The program is under the respective jurisdictions of the House and Senate Judiciary Committees.

National Farmworker Standards

Farm operations in the United States are subject to certain work standards through federal labor laws. Congress may consider approaches to increase the domestic farm workforce, potentially through establishing additional

national farmworker standards to address factors seen as disincentivizing the supply of domestic workers. For example, the [Fair Labor Standards Act of 1938](#) (FLSA; 29 U.S.C. §§201-219), as amended, requires employers to pay agricultural workers at least the federal minimum wage, with some exceptions (e.g., employers from certain small farms are not required to pay the federal minimum wage to agricultural workers). FLSA also exempts employers from overtime pay requirements for agricultural workers. The [Migrant and Seasonal Agricultural Worker Protection Act](#) (MSPA; 29 U.S.C. §§1801 et seq.), as amended, requires farm labor contractors, agricultural employers, and other entities who recruit, hire, employ, transport, or house migrant and seasonal agricultural workers to meet certain minimum requirements concerning wages, housing, and transportation. The MSPA exempts some family farms from those requirements.

Congress may consider whether to add national farmworker requirements, such as (1) heat standards that establish certain requirements when temperatures reach a certain level, (2) overtime pay requirements, or (3) removal of exemptions for small-scale farm operations. These federal labor laws are not under the respective jurisdictions of the House Committee on Agriculture or the Senate Committee on Agriculture, Nutrition, and Forestry. The FLSA and MSPA fall under the respective jurisdictions of the House Committee on Education and Workforce and the Senate Committee on Health, Education, Labor, and Pensions.

Federal Assistance

U.S. farmers have identified challenges in hiring enough qualified farmworkers at "[an economically viable wage](#)." If farm labor shortages were to worsen, some farmers may struggle to remain profitable should labor costs increase. Congress might consider providing tax credits or other financial support if farmers were adversely impacted by increased labor costs.

Congress may also consider whether to provide federal assistance to farmers to offset any additional costs involved in adopting new H-2A program requirements or national worker standards. For example, some states have [implemented regulations](#) requiring overtime pay for farmworkers. These states include [Washington](#), [California](#), and [New York](#). New York also instituted a [tax credit](#) for eligible farmers employing farmworkers who received eligible overtime. New York Governor Kathy Hochul stated the tax credit was established to [offset the costs to farmers](#) of complying with the new overtime pay requirements. Congress could consider whether to institute new farmworker requirements and, if so, whether to offer federal assistance to offset any additional costs that farmers may incur from those requirements. Congress could consider whether to offer farmers tax credits or grants that offset any increased labor costs, grants that reimburse lost revenues, or grants and loans that help transition operations to meet new requirements.

Lisa S. Benson, Specialist in Agricultural Policy
Christine Whitt, Analyst Agricultural Policy

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