



**Welcome back from all of us!
We hope you have
a good season in 2026,
and we hope to see you on
one of our visits!**

2026 H-2A NEWS

If you call an office listed here and you get an answering machine, please wait for the tone and leave your name, phone number and where you work. Our phones do not identify your phone number.

QUESTIONS IN NEW ENGLAND?

CALL PINE TREE LEGAL ASSISTANCE

Phone: 207-942-0673

Call Collect Outside the
U.S. and Canada:
207-942-0673

WhatsApp: 207-233-2930

Pine Tree Legal Assistance
115 Main Street
2nd Floor
Bangor, ME 04401



*SCAN BARCODE
FOR MORE
INFORMATION*

Contact:
Michael Guare
Lisa Butler
Maddie Thomson
Crossman
Tal Rothstein
Danny Mills



ATTENTION

This paper was produced by the legal services offices listed here. We are lawyers and paralegals who offer free legal help to eligible workers. We provide legal advice and sometimes legal representation. If you have worked under an H-2A contract in the states we cover, you may already know some of us. During the harvest season we visit farmworkers to discuss our services and give out information about the rights of farmworkers in the U.S. **The information in this paper is intended to provide general information only, not to give legal advice.** No one should interpret any law without the aid of an attorney who is fully informed of all the facts involved!

WHAT IS AN H-2A CONTRACT?

You should receive your contract while you are still in your home country. Your contract is about 8 pages long. It explains your pay rate and the type of work you will do. The contract will also tell you who you are working for and where your labor camp is located.

Your contract will also explain the hours of work that are promised, and some of the laws that protect you. Your boss must offer work to you for at least three-quarters (75%) of all the hours promised in your contract. If you are not offered these hours, your boss must pay the difference to you at the end of the contract. This $\frac{3}{4}$ guarantee applies even if you are paid a piece rate. There are times when this guarantee does not apply, though, like if there is a big natural disaster. If you have questions about your contract, call us!

QUESTIONS IN NEW YORK?

CALL THE AGRICULTURAL WORKER PROJECT

Contact:
Hannah Gordon
Erika Aguilera
Arturo Delgado
Catherine Giller



Phone/WhatsApp: 845-422-6624
Toll-Free in the U.S.:
1-800-804-8575

Agricultural Worker Project
Legal Aid Society of Mid-New York, Inc.
P.O. Box 2721
Poughkeepsie, NY 12603

Your H-2A contract explains what job you will be doing, how much you will be paid, and any other benefits you have.

YOU DO NOT HAVE TO PAY FEES!

You should not have to pay any recruitment fees, or any money, for getting hired. These are illegal, and nobody can charge them to you—even the recruiter who hired you.

If somebody has charged you money to get your job, please call us.



It is illegal for a recruiter to charge you a fee for recruiting you to an H-2A job.



WHY ARE MY WAGES DIFFERENT THIS YEAR?



The federal government made big changes to the H-2A program this year, and there may be more changes over the course of the season. **For the most up-to-date information on the H-2A program, please check out AWP's website by scanning the code here:**



For many H-2A workers, wages are lower this year. The government changed the way that they calculate the Adverse Effect Wage Rate, or AEWR. For many workers, the AEWR is now lower than the minimum wage of the state where they are working.

Jobs that require little experience are "Skill Level I" and have a lower AEWR. Jobs that require more experience are "Skill Level II" and have a higher AEWR. This AEWR depends on the job requirements, not how many years of experience you personally have. Some jobs such as truck driving and cooking have higher AEWRs.

WHAT IF I MAKE A PIECE RATE?

Many workers like to make a piece rate because they can earn more money if they pick fast. But it is important to know that even when paid by the piece (bushels or bins), workers must still earn the hourly pay listed in their contracts. So if you are in a bad part of the orchard, or have a slow week, and you do not pick as much as usual, you must still be paid at least your hourly rate for every hour that you worked in that pay week. If you are a fast picker, and you earn more than that, then your boss must pay you the higher rate. **A piece rate is a way to earn more, but never less, than the hourly rate listed in your contract.**

Don't worry that it might seem complicated. If you are paid a piece rate, just compare your paycheck to the number of hours you worked for the week, and use your phone calculator to multiply your hours for the week (not the day) by your hourly rate. This is why it is important that you keep track of your hours and/or number of pieces.

You should be paid whichever is highest: the piece rate or the hourly rate.

You must be paid at least the rate in your contract for every hour that you work in a week, even if you make a piece rate.

OVERTIME IN NEW YORK

In **New York** only, farmworkers have a right to overtime when they work more than 52 hours in a work week or if they work on their "day of rest". The rate is time-and-a-half, which is 1.5x the normal rate. Workers must be given one day of rest (24 hours) in every calendar week. While workers cannot be required to work on their day of rest, they can voluntarily work, but they must be paid the overtime rate for any work on that day. If you work in New York and have questions about overtime, you can call the Agricultural Worker Project at the number on the front cover.

The New York overtime rule is set to change over the next few years:

- **2026-2027: 52 hours**
- 2028-2029: 48 hours
- 2030-2032: 44 hours
- 2032: 40 hours

In New York only, farmworkers have a right to overtime when they work more than 52 hours in a work week or if they work on their "day of rest".

Workers who live in the United States all year and have legal permission to work now have a higher AEWR than H-2A workers. No matter what, your boss can never pay you less than the hourly wage listed in your contract. In addition, your boss can only take out the deductions listed in your contract, like taxes.

These charts show the minimum amount your boss can pay you per hour in 2026. If you have any questions, please give us a call!

FOR H-2A WORKERS

State	Skill Level I	Skill Level II
New York (upstate)	\$16.00	\$16.35
Long Island, Westchester, or NYC	\$17.00	\$17.00
Maine	\$15.10	\$17.38
Vermont	\$14.35	\$17.62
Connecticut	\$16.94	\$16.94
Massachusetts	\$12.87	\$15.15
New Hampshire	\$12.03	\$14.18
Rhode Island	\$16.00	\$16.00

FOR U.S. WORKERS DOING THE SAME WORK AS H-2A WORKERS

State	Skill Level I	Skill Level II
New York (upstate)	\$16.00	\$18.75
Long Island, Westchester, or NYC	\$17.00	\$18.75
Maine	\$15.10	\$18.95
Vermont	\$15.96	\$19.23
Connecticut	\$16.94	\$18.20
Massachusetts	\$15.29	\$17.17
New Hampshire	\$13.99	\$16.14
Rhode Island	\$16.00	\$17.17

WHAT COUNTS AS “WORK TIME”?

Time that you should be paid includes:

- **Waiting time:** Once your workday begins, some of the time you spend waiting is time that you should be paid for. Some examples are waiting for your work assignment; waiting for fields to dry; or waiting for ladders, bins, or other equipment to arrive. Time spent getting from your housing to the meeting point in the morning is not “work time”.
- **Travel time:** After your workday begins, the time you spend traveling from one field to another is work time that you should be paid for. However, time spent getting from work back to your housing is not work time.
- **Breaks:** A short morning, afternoon, or meal break that is under 20 minutes counts as work time.



You should be paid for breaks that last less than 20 minutes.



BREAKS

- Unfortunately, there is no federal law that says your boss must give you a break during your workday on a farm. However, most bosses realize that workers are more productive when they are given time to rest. Many workers rest around noon for lunch.
- But in **New York**, all workers must get at least a 30-minute meal break for any shifts longer than 6 hours.
- If you take less than 20 minutes to eat, you should be paid for that time. If your lunch break is 30 minutes or longer, however, your boss does not need to pay you for that time.
- If you have questions, please call the legal services office in your state.



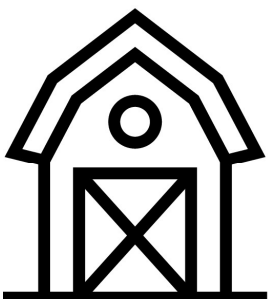
WHY YOUR PAYSTUB IS IMPORTANT

Your paystub should show how many hours you worked and how many pieces you filled (if you are paid a piece rate). It should also tell you how many hours were offered to you. It should also list everything that is deducted from your total pay. Each week you should check your pay receipt to make sure you are getting paid properly. Your boss should record your hours daily.

You should also write down your daily hours so you can compare your hours to what your paystub says. **Your boss is required by law to give you a paystub.** It is important to check your paystub to make sure it is correct. If you are paid by the piece, you should also keep track of how much you pick! You can record your hours in the calendar we have left for you.



Always record your hours so you can make sure your paystub is correct!





OUTSIDE OF WORK: AFFORDABLE HEALTHCARE FOR H-2A WORKERS

H-2A workers qualify for health insurance while working in the U.S. Many H-2A workers receive this insurance at little cost, or even for free. This kind of insurance will help you if you need to go to the doctor for something that happens outside of work, where workers' compensation will not cover you.

*H-2A workers
can sign up
for health
insurance
within 60 days
of entering
the United
States.*

- To sign up for health insurance, call us and we can connect you with a person who can sign you up.
- You should sign up as soon as possible. If you wait longer than 60 days after you come to the U.S., you may not be allowed to sign up.
- There has been a lot of confusion about an immigration rule called "public charge", and whether it affects your ability to get visas in the future. Getting this kind of health insurance as an H-2A worker will not affect immigration.

FIELD SANITATION

A toilet and a place to wash your hands must be available for every 20 workers. Toilets must be within 1/4 mile from where you are working, which is about a 5-minute walk. Toilets must work and be kept clean. Handwashing facilities must be filled with clean water and must be kept clean. There must also be soap and single-use towels.

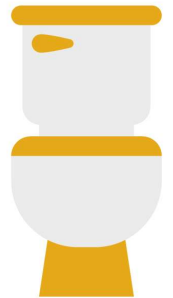
You must have drinking water available near where you work.

HEAT ILLNESS



Sun and heat can be dangerous! Protect your health. Drink water before you feel thirsty. Drink small amounts of water every 30 minutes. Avoid coffee or alcohol. Get used to the sun little by little. Rest in the shade occasionally. **Your body needs time to adjust to working in the heat, even if you are from a hot country.**

Schedule demanding tasks in the morning or late in the day. Wear light-colored and loose-fitting clothes and a hat. See a doctor if you have a fever, strong fatigue, headaches, confusion, nausea, difficulty concentrating or thinking, or little to no sweating.

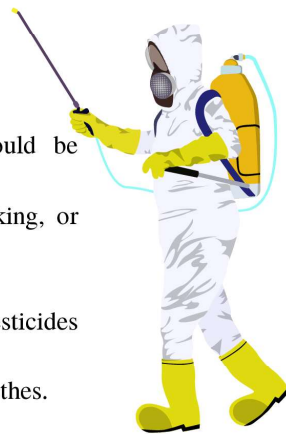


PESTICIDES

Pesticides can be dangerous chemicals, and you should be careful if your job involves using them.

Some things you can do to protect yourself include:

- Always use protective equipment, which should be provided to you by your employer.
- Wash your hands before eating, drinking, smoking, or going to the bathroom.
- Wash your body after work.
- Wash the clothes you used while working with pesticides before you wear them again.
- Wash your work clothes separately from other clothes.
- Wear long-sleeved shirts that cover your arms.
- Wear long pants, socks, and gloves.



Some symptoms of pesticide poisoning are:

Irritated skin, nose, eyes or throat; headache; vomiting; blurred vision; sweating; muscle pain or cramps; chest pain; drooling; difficulty breathing; nausea; difficulty walking; weakness; and loss of appetite.

Cancer alert: Pesticides are dangerous and a link has been found to cancer, in particular with Roundup. Make sure to go to the doctor regularly, and call us if you have cancer and have ever worked with pesticides.

*Use all appropriate
protective
equipment when
working with
pesticides.*



What should you do if you are sprayed with pesticides or you ingest them?

- Take off your clothes if they are contaminated.
- Rinse your skin immediately with soap and water.
- If you feel sick or if your eyes, skin, or throat hurt, go to a doctor immediately or call 911.
- Tell the doctor that you think you've been poisoned by pesticides.
- Tell the doctor to call your boss to find out what pesticides they were using where you worked.
- Remember that workers' compensation insurance should pay for these medical costs.



Call 911 in an emergency!

EMERGENCIES

Always go to the hospital in an emergency, and call 911 if you need an ambulance. Hospitals are not allowed to turn you away during an emergency.

If you are hospitalized for something **not** work-related and do not have health insurance, ask the hospital social worker right away about any programs that help with hospital bills. It is best to ask while you are still in the hospital. This request should be done immediately. Every hospital has different programs. For example, in **New York**, you can apply for Emergency Medicaid to help with bills. You can sign up in advance, or at the hospital within 3 months of the emergency. Applying for Emergency Medicaid will not affect immigration.

Local clinics, or migrant health centers, are other ways to obtain less expensive doctor visits. Some clinics allow doctor visits for a reduced fee based on your wages. Remember to bring a paystub to the clinic to show your income. Let them know how many people you support.

FREE HOUSING

Your housing should be free.



Your employer must provide you with free and clean housing, **though your hourly wage may be lower this year** to cover some of the cost. However, your employer cannot then charge you extra for housing, and your employer cannot pay you less than the hourly wage in your contract. Your housing must include heating facilities, clean water for drinking and cooking, hot water for bathing, fire extinguishers, smoke detectors, and a bed for each worker. Furthermore, your employer should act to prevent infestations by insects, rodents, and other pests, and ensure the regular collection of garbage and recycling. The housing should feature windows with screens and a functional sewer system. In short, your housing should be clean enough to live healthily and safely!

If there is no camp cook, you must have access to a kitchen for food preparation. Additionally, workers should receive transportation to go grocery shopping at least once weekly.

Important! Any installed smoke detectors or carbon monoxide detectors must be maintained properly. You should not remove any batteries, and you should promptly inform a supervisor if replacements are required or if the detectors are not working.

IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”)

It is helpful to have proof of your H-2A status available in the event you are stopped by ICE. The most reliable proof of your status is your H-2A visa. If you do not feel comfortable carrying around your passport, another option is to make and keep a photocopy of your visa, or even just a picture on your phone. However, there is no guarantee that ICE will accept these copies. We also recommend printing out your I-94, which is the record of your entrance into the United States.



HOW TO GET YOUR I-94 ONLINE



Your I-94 is your proof that you have been lawfully admitted to the United States. This document can be helpful to have as a backup proof of your status in case you are stopped by ICE and you do not have your passport with you. The Social Security office also requires that you bring in a paper copy when you apply for a Social Security number.



Your I-94 can only be accessed online, and then you can print out a copy. Many pharmacies, office supply stores, and libraries have public printers available for a small fee. You can also ask your employer for help printing. If you are an H-2A worker in New York and are having trouble accessing and printing your I-94, you can also call the Agricultural Worker Project.

Your I-94 is available at this website at “Get Most Recent I-94”: i94.chp.dhs.gov

IF YOU ARE HURT AT WORK

If you are hurt or injured at work, you are covered by workers' compensation insurance for your medical treatment. You should not have to pay for it.

If you are injured:

- Go to a doctor right away. Tell the doctor that you were injured or got sick at work. You have the right to speak to the doctor alone.
- Tell your boss right away. You must do this in order to be covered by the insurance. Your boss needs to fill out a form to help start your claim. Once your boss knows what happened, it is illegal for the boss to try to stop you from getting workers' compensation benefits.
- The hospital or doctor's office should fill out and file the proper forms. If you have received a bill, contact the doctor or hospital to remind them it was a work-related medical problem and to bill the workers' compensation insurance.
- Follow the doctor's instructions, such as to see specialists, return for follow-up visits, or attend physical therapy. Do not work if the doctor has said not to, and follow limits on activities. If you do not understand, ask your doctor to explain. If you work before you are healed, you could cause more physical damage. You also risk stopping your compensation checks.
- Usually cases of workers' compensation focus on healing your body to continue a normal work and personal life. You may need to be referred to lawyers who specialize in these types of cases.
- Keep copies of your medical records. Make sure that you know the names of doctors you see or hospitals you go to, and keep copies of all bills and papers, both in the United States and in your home country. Keep receipts of any expenses related to your medical care because those expenses could also be reimbursed. For example, if you had to pay for a taxi to get to a doctor, you should keep a receipt for the cost of that taxi.
- Ask for help. If you want more information or possibly a referral to a workers' compensation lawyer, call us. There may be a form you need to fill out, too, in order to start a claim, and there are deadlines. It is better to call us before you go home, but you are always free to call us from home as well.
- When you arrive home, continue to seek medical care, if needed. If you are from Jamaica, your government has procedures in place to help you. You should be able to continue to receive benefits and treatment even after you return home. It can be harder to get these benefits when you are home, but a U.S. lawyer may be able to help.



If you are hurt while working, while traveling to work, and sometimes if you are hurt while in the labor camp, you are covered by **Workers' Compensation insurance**. This is an insurance program your employer must provide for you. The insurance pays your medical bills and a percentage of your lost wages if you cannot work for at least a certain amount of time. Every state has different rules.

THE RIGHT TO ORGANIZE

In New York, farmworkers also have the right to form a union and to organize with their co-workers to protect their rights or try to improve their working conditions. This means you are protected when you talk with your co-workers about making working conditions better or when you and your co-workers demand better conditions from your employer. Sometimes, workers form or join a union to represent them in negotiating contracts with their employer. These contracts can include additional benefits for workers beyond the minimum that is required by law. For example, in some other states, unions with H-2A workers have negotiated the right to get called back every year, as long as the employer keeps requesting H-2A workers.

H-2A workers are allowed to unionize in New York.

Bosses have very strict rules about what they can and cannot do when workers are organizing. They cannot retaliate against you, threaten you, or spy on you.

Before you sign any papers given to you by a union, make sure you understand what it is you are signing. Remember that the union you and your coworkers choose, if any, will represent you and your coworkers in the future, so you should understand how it promises to advocate for you.

You have the right to join a union, no matter your immigration status. If you have any concerns, please call us.

In New York, all farmworkers, including H-2A workers, have the right to unionize.



TAXES FOR H-2A WORKERS

There are two types of taxes in the United States: federal and state taxes. Whether you must pay taxes depends on how long you are in the U.S. and how much you earn.

As an H-2A worker, you can decide whether you want your boss to withhold your taxes every paycheck, or if you want to pay all of your taxes at the end of the year. However, there are some taxes that H-2A workers do not have to pay. For example, if you see deductions on your paychecks for “Social Security”, “Medicare”, “OASDI”, or “FICA”, please call us. H-2A workers do not need to pay these taxes.

Getting your tax return filed is your responsibility. Your employer must give you a W-2 for the prior year by the end of January. Your tax return, for any year, must be filed by April 15th of the following year. If it is not filed by April 15th and you owe taxes, then you will likely have to pay extra money. You may also need to file a state tax return, depending on the state.

You can use a tax preparer, who can tell you what you need to do. Make sure you trust the person you use as a tax preparer, get their contact information, and keep a copy of anything they file for you. Some workers have been scammed, so make sure you are comfortable with what is being filed and that you know where your money is going. You should also be sure that everything is correct, especially your name, social security number, address, and bank account, if you have one.

Many checks mailed to Jamaica, México, Guatemala, Honduras, and Nicaragua are stolen, so it is safer to use your address in the U.S. or to open a U.S. bank account for direct deposit.

Don't get scammed! Make sure you trust your tax preparer and know where your refund is going.



AM I A RESIDENT?

H-2A workers can file their taxes in one of two ways: as a “resident alien” or as a “non-resident alien”. Whether you are a “resident” or a “non-resident” depends on how long you spend in the United States each year, over three years. It is not related to whether you are a “resident” under immigration law. It involves a complicated math calculation. Some H-2A workers qualify as “residents”, and some are “non-residents”. Filing as a “resident” means you can get many tax benefits that non-residents cannot get, such as filing taxes with your spouse, so make sure to ask your tax preparer whether you qualify as a “resident”.

Keep your social security number private.



SOCIAL SECURITY NUMBERS

H-2A workers are required to have Social Security Numbers in the United States. Here is what you need to know:

- A Social Security Number is a number assigned to you that identifies who you are for employment and tax purposes. You can also use your number to open a U.S. bank account.
- Your boss should take you to apply for your Social Security Number if you do not already have one.
- Use the same number every year, even if you switch jobs. You only apply once for your Social Security Number.
- Your Social Security Number is private. You should only use it for employment, banking, and taxes. Do not share your number or let others use it. Keep the card in a safe place.
- Sign your Social Security Card. Do not laminate it.

HUMAN TRAFFICKING

Are you stuck in your job and unable to leave?



Then you may be a victim of what is called “Human Trafficking.” Human Trafficking is against the law. It is criminal and you might be entitled to money damages. If you, or someone you know, might be in a human trafficking situation, please contact one of the organizations listed on the front page.

There are laws to protect H-2A workers who are trapped in a work situation. If your employer does any of the following things, you may be a victim of human trafficking:

- Does not pay you, pays you less than the wage in your contract, or charges you high amounts for things like meals, transportation, tools, or housing (all of which are against the H-2A rules);
- Forces you to do things because you owe your boss or recruiter money;
- Threatens you about your immigration status or about contacting immigration;
- Makes you work too many hours without breaks;
- Keeps your immigration documents from you;
- Does not let you leave your housing or job site without permission;
- Limits your communication with the outside world;
- Does not give you time off for injuries or health conditions;
- Asks for or forces you into sexual acts; or
- Gives you any other reason to feel like you cannot leave without serious harm, including physical harm or other harm like financial, mental, or reputational harm.



Physical abuse or sexual harassment by your employer is illegal.

So is abuse from your partner or spouse.



ABUSE

Abuse at work is illegal. If your boss assaults you, threatens you, or intimidates you, please call us. Both men and women can be abused.

Sexual harassment at work is also illegal. Sexual harassment at work means that someone at work is making sexual comments, coming on to you, following you, touching you, or saying or doing sexual things that make you uncomfortable. It is also illegal for someone to touch you in a sexual way without your consent. If a co-worker or supervisor is doing this, you can call us for advice. Everything we speak about is private.

Physical abuse by your partner or spouse, or some mental abuse, is also illegal. This includes violence, threats, sexual assault, stalking, and other abuse. If you are married to a U.S. citizen or permanent resident who is abusing you, you do not have to stay in your relationship. You might qualify to become a permanent resident or to get other status on your own. Even if your partner is not a U.S. citizen or permanent resident, you may qualify for a kind of status if you are a victim of certain kinds of abuse.

This is a complicated area of law, so please call us.

WHAT ARE MY RIGHTS TRAVELING TO AND FROM THE UNITED STATES?

Your boss must pay for your transportation from your home to the farm, and the return trip to your home. If you spend any money traveling, your travel and visa expenses must be reimbursed shortly after you arrive at the farm. While traveling, you should save your receipts! If you do not save them, you will receive \$16.28 per day for food while you travel. However, if you save your receipts, and give them to the boss, you can receive up to \$68.00 a day.



DO YOU NEED TO RETURN HOME BECAUSE OF A FAMILY EMERGENCY?

Some workers need to return home during the season. You always have the right to leave early. Your H-2A visa should allow multiple entries into the U.S., so you can leave and come back the same season if you need to, as long as your visa says “M” on it, under the word “Entries”. However, your employer does not have to pay for your trip. And, you still have to leave the U.S. at the end of your visa. Make sure your employer is okay with you going home for a bit, if you plan to return.

DO YOU NEED TO EXTEND YOUR H-2A VISA?

If your boss wants to extend the amount of time you are working in the U.S., or if a different farm wants to hire you after your work at your first farm, your current or new boss must request permission to extend your stay from U.S. immigration before your original visa expires. If the extension is approved, you must be given a copy of the approval.

If no request is made, or if the request is denied, and you stay longer than your original visa allows, in the future you could be denied a visa to come to the U.S. Therefore, do not rely on just the word of someone else. You should always ask for a copy of 1) the request submitted to immigration for your extensions, and 2) the approval from immigration for your extended stay.