



## H-2 Petitioner's Employment Related or Fee Related Notification

**OMB Control number:** 1615-0107

**The OMB Expiration Date:** 12/31/2012

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Last Reviewed/Updated: 01/22/2013



## **Employment-Related Notifications to USCIS**

Petitioners of H-2A workers must notify USCIS within 2 workdays if any of the following occur:

- **No show:** The H-2A worker fails to report to work within 5 work days of the latter of:
  - The employment start date on the H-2A petition, or
  - The start date established by the employer;
- **Abscondment:** The H-2A worker leaves without notice and fails to report for work for 5 consecutive workdays without the consent of the employer;
- **Termination:** The H-2A worker is terminated prior to the completion of the H-2A labor or services for which he or she was hired; or
- **Early Completion:** The H-2A worker finishes the labor or services for which he or she was hired more than 30 days earlier than the date specified in the H-2A petition.

Petitioners must include the following information on the employment-related notification:

1. The reason for the notification (for example, explain that the worker was either a "no show," "absconder," "termination," or "early completion");
2. The reason for untimely notification and evidence for good cause, if applicable;
3. The USCIS receipt number of the approved H-2A petition;
4. The petitioner's information, including:
  - Name
  - Address
  - Phone number
  - Employer identification number (EIN)
5. The employer's information (if different from that of the petitioner):
  - Name
  - Address
  - Phone number
6. The H-2A worker's information:
  - Full Name
  - Date of birth
  - Place of birth
  - Last known physical address and phone number

Additionally, to assist USCIS with identification of the H-2A worker, submit the following for each H-2A worker, if available:

- Social Security Number
- Visa Number

**Failure to Notify USCIS:** A petitioner who fails to comply with these employment notification

**Failure to Notify USCIS:** A petitioner who fails to comply with these employment notification requirements, or fails to demonstrate good cause for untimely notification, may be required to pay \$10 in liquidated damages for each instance of noncompliance.

**Note:** USCIS defers to DOL's definition of "workday." According to the Fair Labor Standards Act (FLSA), this generally means the period of time on any particular day when an employee begins and ends his or her "principal activities."

### **How do I notify USCIS?**

Notification should be made via email or mail to the California Service Center at the following addresses. Although not required, email notification is strongly recommended to ensure timely notification.

#### **California Service Center**

By email: [CSC-X.H-2AAbs@dhs.gov](mailto:CSC-X.H-2AAbs@dhs.gov)

By mail:

California Service Center  
Attn: Div X/BCU ACD  
P.O. Box 30050  
Laguna Niguel, CA 92607-3004

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### **Fee-Related Notifications to USCIS**

A petitioner, agent, facilitator, recruiter, or similar employment service is prohibited from collecting a job placement fee or other compensation (either direct or indirect) at any time from an H-2A worker as a condition of employment.

Petitioners are provided with the opportunity to avoid denial or revocation (on notice) of their H-2A petition if they notify USCIS that they obtained information concerning the beneficiary's payment (or agreement to pay) a prohibited fee or compensation to any agent, facilitator, recruiter, or similar employment service *only after* they filed their H-2A petition. This narrow exception does not apply, however, where a petitioner knew or should have known at the time of filing of its H-2A petition that the prospective worker had paid (or agreed to pay) such recruitment-related fees to any such persons or entities.

Petitioners must notify USCIS of an H-2A worker's payment or agreement to pay prohibited fees to a recruiter, facilitator or similar employment service within 2 workdays of gaining knowledge of such payment or agreement.

Petitioners must include the following information in their fee-related notification:

1. The reason for the notification;
2. The USCIS receipt number of the approved H-2A petition;
3. The petitioner's information:
  - Name

- Name
  - Address
  - Phone number
4. The employer's information (if different from that of the petitioner):
- Name
  - Address
  - Phone number
5. Information about the recruiter, facilitator, or placement service to which the beneficiaries paid (or agreed to pay) the prohibited fee:
- Name
  - Address

**Fees not prohibited are:**

- The lesser of the fair market value or actual costs of transportation and
- Any government-mandated passport, visa, or inspection fees to the extent that the payment of such costs and fees by the alien H-2A worker is not prohibited by statute or other laws. This includes, but is not limited to, the FLSA, DOL regulations, case law, and DOL interpretations of the FLSA and other relevant labor laws.

**How do I notify USCIS?**

Notification should be made to the California Service Center via email or mail at the following addresses. Although not required, email notification is strongly recommended to ensure timely notification. (OMB Control Number 1615-0107)

**California Service Center**

By email: [CSC.H2AFee@dhs.gov](mailto:CSC.H2AFee@dhs.gov)

By mail:

California Service Center  
Attn: H-2A Fee  
P.O. Box 10695  
Laguna Niguel, CA 92607-1095

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