

https://www.uscis.gov/forms/employment-based-forms/h-2-petitioners-employment-related-or-fee-related-notification



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

**OMB Control number:** 1615-0107

**The OMB Expiration Date:** 3/31/2019

**Burden Disclosure Notice:** An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a valid OMB Control Number. The public reporting burden for this collection is .5 hours per response, including the time it takes to review instructions, complete and submit the form. Send comments regarding this burden estimate and any other aspect of this collection of information to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, D.C. 20529-2140. Please include OMB Control Number 1615-0107 with your correspondence. **Do not mail your application to this address.**



## Working in the United States

### Temporary Workers

CW-1: CNMI-Only Transitional Worker

E-1 Treaty Traders

E-2 CNMI Investor

E-2 Treaty Investors

E-3 Certain Specialty Occupation Professionals from Australia

H-1B Specialty Occupations and Fashion Models

H-1C Registered Nurse

## H-2A Temporary Agricultural Workers

The H-2A program allows U.S. employers or U.S. agents who meet specific regulatory requirements to bring foreign nationals to the United States to fill temporary agricultural jobs. A U.S. employer, a U.S. agent as described in the regulations, or an association of U.S. agricultural producers named as a joint employer must file Form I-129, Petition for Nonimmigrant Worker, on a prospective worker's behalf.

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Who May Qualify for H-2A Classification?	+
H-2A Program Process	+
H-2A Eligible Countries List	+
Period of Stay	+
Family of H-2A Workers	+
Employment-Related Notifications to USCIS	-

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

H-1C Registered Nurse

H-2A Agricultural Workers

H-2B Non-Agricultural Workers

H-3 Nonimmigrant Trainee

I Representatives of Foreign Media

L-1A Intracompany Transferee Executive or Manager

L-1B Intracompany Transferee Specialized Knowledge

O-1 Individuals with Extraordinary Ability or Achievement

P-1A Internationally Recognized Athlete

P-1B Member of Internationally Recognized Entertainment Group

P-2 Performer or Group Performing under Reciprocal Exchange Program

P-3 Artist or Entertainer Part of a Culturally Unique Program

## 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 before completing 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

Q Cultural Exchange

R-1 Temporary Religious  
Workers

TN NAFTA Professionals

Permanent Workers +

Students and Exchange Visitors +

Temporary Visitors for Business +

Information for Employers &  
Employees +

- o Phone number
- o Employer identification number (EIN)

5. The employer's information (if different from that of the petitioner):

- o Name
- o Address
- o Phone number

6. The H-2A worker's information:

- o Full Name
- o Date of birth
- o Place of birth
- o Last known physical address and phone number

Additionally, to help USCIS identify 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 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?**

### How do I notify USCIS?

Email or mail your notification 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

#### 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 of (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 of or agreement to pay prohibited fees to a recruiter, facilitator or similar employment service within 2

pay prohibited fee to a recruiter, facilitator, or similar employment service within 10 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:
  - o Name
  - o Address
  - o Phone number
4. The employer's information (if different from that of the petitioner):
  - o Name
  - o Address
  - o Phone number
5. Information about the recruiter, facilitator, or placement service to which the beneficiaries paid (or agreed to pay) the prohibited fee:
  - o Name
  - o Address

**How do I notify USCIS?**

Email or mail your notification to the California Service Center 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)

**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

**Inquiring About a Pending H-2A Petition**



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Immigration Services**