Form ATT-H2B, Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Essential to the U.S. Food Supply Chain

Department of Homeland Security

U.S. Citizenship and Immigration Services (USCIS)

USCIS Form ATT-H2B

This attestation must be submitted to USCIS if:

1. The H-2B petitioner files the Form I-129, Petition for a Nonimmigrant Worker (H-2B petition), on or after May 14, 2020 and the H-2B petitioner wishes to employ H-2B nonimmigrant(s) essential to the U.S. food supply chain pursuant to 8 CFR 214.2(h)(23). In that case, the attestation must be submitted with the H-2B petition; or

2. The H-2B petitioner filed the H-2B petition on or after March 1, 2020 and prior to May 14, 2020, and the H-2B petition was pending on or after May 14, 2020, and the H-2B petitioner wishes to employ H-2B nonimmigrant(s) essential to the U.S. food supply chain pursuant to 8 CFR 214.2(h)(23). In that case, the H-2B petitioner must mail the attestation with a copy of the Receipt Notice (Form I-797, Notice of Action) to the appropriate USCIS service center where the H-2B petition remains pending.

H-2B Receipt Number, if petition remains pending with USCIS:

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Name of the Individual Petitioner, Company, or Organization:

Job Title of the Proposed Temporary Nonagricultural Employment:

ETA Case Number

As a supplement to the H-2B petition, I (person who signed Part 8. of the H-2B petition), _____, certify that:

1. The H-2B worker(s) named on the H-2B petition will be performing temporary nonagricultural services or labor that are essential to the U.S. food supply chain including, but not limited to, work related to the processing, manufacturing, and packaging of human and animal food; transporting human and animal food from farms or manufacturing or processing plants to distributors and end sellers; and the selling of human and animal food through a variety of sellers or retail establishments, including restaurants. *See* 8 CFR 214.2(h)(23)(i).

2.a. If I filed the H-2B petition on or after March 1, 2020, but before May 14, 2020, and the petition remained pending on or after that date, I understand that the H-2B worker(s) named on the H-2B petition may begin employment to perform temporary nonagricultural services or labor that are essential to the U.S. food supply chain before the H-2B petition is approved but only on or after the date on which USCIS acknowledges in writing the receipt of this Attestation, and no earlier than the start date of need listed on the H-2B petition. *See* 8 CFR 214.2(h)(23) and 8 CFR 274a.12(b)(27); or

2.b. If I filed the H-2B petition on or after May 14, 2020, the H-2B worker(s) identified in the petition may begin employment to perform temporary nonagricultural services or labor that are essential to the U.S. food supply chain after the petition and this Attestation are properly filed and before the petition is approved but only on or after the date on the Form I-797 acknowledging receipt of the H-2B petition and this Attestation, and no earlier than the start date of need listed on the H-2B petition. *See* 8 CFR 214.2(h)(23) and 8 CFR 274a.12(b)(27).

3. I understand that employment under 8 CFR 214.2(h)(23) is not authorized if USCIS does not receive this Attestation.

I certify, under penalty of perjury under the laws of the United States of America, that the information included in this certification is all true and correct.

Signature of the person who signed Part 8. of the H-2B petition

Date (mm/dd/yyyy)