TABLE OF CHANGES – FORM Form I-129, Petition for a Nonimmigrant Worker OMB Number: 1615-0009 12/10/2024

Reason for Revision: H-2 Final Rule

Project Phase: OMBReview

Legend for Proposed Text:

• Black font = Current text

• Red font = Changes

Expires 02/28/2027 Edition Date 04/01/2024

Current Page Number and Section	Current Text	Proposed Text
Pages 15-18,	[Page 15]	[Page 15]
Section 2. Complete This Section If Filing for H-2A or H-2B	Section 2. Complete This Section If Filing for H-2A or H-2B Classification	Section 2. Complete This Section If Filing for H-2A or H-2B Classification
Classification	1. Employment is: (select only one box)	1. Employment is: (select only one box)
	4. List the countries of citizenship for the H-2A or H-2B workers you plan to hire.	[delete]
	5.a. You must provide all of the requested information for Item Numbers 5.a 6. for each H-2A or H-2B worker you plan to hire who is not from a country that has been designated as a participating country in accordance with 8 CFR 214.2(h)(5)(i)(F)(1) or 214.2(h)(6)(i)(E)(1). See www.uscis.gov for the list of participating countries. (Attach a separate sheet if additional space is needed.)	
	Family Name (Last Name) Given Name (First Name) Middle Name	
	5.b. Provide all other name(s) used Family Name (Last Name) Given Name (First Name) Middle Name	
	5.c. Date of Birth (mm/dd/yyyy)	
	5.d. Country of Birth	
	5.e. Country of Citizenship or Nationality	
	6.a. Have any of the workers listed in Item	

Number 5. above ever been admitted to the United States previously in H-2A/H-2B status? Yes. If yes, go to **Part 9.** of Form I-129 and write your explanation. No

4. If you are requesting any named beneficiaries, have any of these individuals ever been admitted to the United States previously in H-2A/H-2B status?

Yes. If yes, go to **Part 9.** of Form I-129 and write your explanation.

No

5. Are you requesting a restarting of the 3-year maximum period of stay limit in H-2A/H-2B status for any of your named beneficiaries because they were absent from the United States for an uninterrupted period of at least 60 days? (See form Instructions for more information on "Period of Absence.") Yes

If you answered "Yes" to **Item Number 5.**, you must document the beneficiaries' periods of stay for the last 3 years in **Item Number 3.** on the table on the first page of this supplement. You must also submit evidence of each entry and each exit to establish each period of absence.

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6.b. Visa Classification (H-2A or H-2B):

NOTE: If any of the H-2A or H-2B workers you are requesting are nationals of a country that is not on the eligible countries list, you must also provide evidence showing: (1) that workers with the required skills are not available from a country currently on the eligible countries list*; (2) whether the beneficiaries have been admitted previously to the United States in H-2A or H-2B status; (3) that there is no potential for abuse, fraud, or other harm to the integrity of the H-2A or H-2B visa programs through the potential admission of the intended workers; and (4) any other factors that may serve the United States interest.

- * For H-2A petitions only: You must also show that workers with the required skills are not available from among United States workers.
- **7.a.** Did you or do you plan to use a staffing, recruiting, or similar placement service or agent to locate the H-2A/H-2B workers that you intend to hire by filing this petition?

Yes No

If yes, list the name and address of service or agent used below. Please use **Part 10.** of Form

[delete]

6. Did you or do you plan to use an agent, facilitator, staff, recruiter, or similar employment service (any person or entity that recruits or solicits prospective beneficiaries of the H-2 petition) to locate and/or recruit the H-2A/H-2B workers that you intend to hire by filing this petition? Yes

No

7. If you answered "Yes," to Item Number 6.,

I-129 if you need to include the name and address of more than one service or agent.

7.b. Name

7.c. Address

Street Number and Name Apt./Ste./Flr. Number City or Town State ZIP Code

8.a. Did any of the H-2A/H-2B workers that you are requesting pay you, or an agent, a job

list the name and address(es) of all such persons and entities regardless of whether you have a direct or indirect contractual relationship, and whether such person or entity is located inside or outside the United States or is a governmental or quasi-governmental entity. If you need to include the name and address of more than one person or entity, use the space provided in **Part 9. Additional Information.**

Name of Recruiter, Agent, or Facilitator Family Name (Last Name) Given Name (First Name) Middle Name

Name of Recruiting Organization or Similar Employment Service (if applicable)

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Address of Agent, Facilitator, Recruiter, or Similar Employment Service Street Number and Name Apt./Ste./Flr. Number City or Town State ZIP Code

Prohibited H-2A and H-2B Fees

For **Item Numbers 8. - 13.**, the fees in question include any job placement fee, fee or penalty for breach of contract, or other fee, penalty, or compensation (either direct or indirect), related to the H-2A/H-2B employment. Such prohibited fees may include, but are not limited to withholdings or deductions from a worker's wages. Your responses to these items pertain to anyone associated with the employment or recruitment, including any joint employers. Your responses to these items also pertain to any person or entity to whom you can be considered a successor in interest.

NOTE: It is not prohibited for petitioners (including their employees), employers or any joint employers, agents, attorneys, facilitators, recruiters, or similar employment services from receiving reimbursement from the beneficiary for costs that are the responsibility and primarily for the benefit of the worker, such as government-required passport fees. Furthermore, it is not prohibited for an employer to provide reimbursement for fees or expenses incurred by the worker, where such reimbursement is specifically permitted by, and made in compliance with, statute or regulations.

8. Did any of the H-2A/H-2B workers that you

placement fee or other form of compensation (either direct or indirect) as a condition of the employment, or do they have an agreement to pay you or the service such fees at a later date? The phrase "fees or other compensation" includes, but is not limited to, petition fees, attorney fees, recruitment costs, and any other fees that are a condition of a beneficiary's employment that the employer is prohibited from passing to the H-2A or H-2B worker under law under U.S. Department of Labor rules. This phrase does not include reasonable travel expenses and certain government-mandated fees (such as passport fees) that are not prohibited from being passed to the H-2A or H-2B worker by statute, regulations, or any laws. Yes

Nο

8.b. If yes, list the types and amounts of fees that the worker(s) paid or will pay.

8.c. If the workers paid any fee or compensation, were they reimbursed?

Yes Nο

8.d. If the workers agreed to pay a fee that they have not yet been paid, has their agreement been terminated before the workers paid the fee? (Submit evidence of termination or reimbursement with this petition.) Yes No

9. Have you made reasonable inquiries to determine that to the best of your knowledge the recruiter, facilitator, or similar employment service that you used has not collected, and will not collect, directly or indirectly, any fees or other compensation from the H-2 workers of this petition as a condition of the H-2 workers' employment?

Yes No

NOTE: If USCIS determines that you knew, or should have known, that the workers requested in connection with this petition paid any fees or other compensation at any time as a condition

are requesting pay you or your employee(s), or any employer or joint employer, agent, attorney, facilitator, recruiter, or similar employment service, a prohibited fee related to the employment, or do they have an agreement to pay you such fee at a later date?

Yes No

9. If you answered "Yes" to Item Number 8., list the types and amounts of fees that the worker(s) paid or will pay.

[2 fillable lined fields]

10. If you answered "Yes" to Item Number 8., were the workers, or their designee (as appropriate), reimbursed for any fee paid and was any agreement to pay a fee terminated? Yes No

If you answered "Yes" to Item Number 10., submit evidence of full reimbursement of each affected beneficiary, or their designee (as appropriate), and evidence that any agreement has been terminated.

[delete]

of employment, your petition may be denied or revoked. [Page 17] 11. If you answered "Yes" to Item Number 8., are you requesting an exception to the mandatory denial or revocation for prohibited fees (see form Instructions for information about exceptions)? Yes No If you answered "Yes" to Item Number 11., submit evidence supporting your request for an exception, as described in the form Instructions. 10.a. Have you ever had an H-2A or H-2B petition denied or revoked because an employee 12. Within the last four years, have you ever paid a job placement fee or other similar had an H-2A or H-2B petition denied or compensation as a condition of the job offer or revoked because an employee paid or agreed to pay a fee related to the employment or have you employment? withdrawn an H-2A or H-2B petition after USCIS issued a notice of intent to deny or Yes revoke on such basis? Nο Yes No If you answered "Yes" to Item Number 12., submit a copy of the USCIS notice(s) of denial, revocation, or acknowledgment of your withdrawal. **10.a.1** If yes, when? [delete] 10.a.2 Receipt Number: **10.b.** Were the workers reimbursed for such fees and compensation? (Submit evidence of **13.** If you answered "Yes" to **Item Number** reimbursement.) If you answered no because 12., were the workers, or their designees (as you were unable to locate the workers, include appropriate), reimbursed for any fees paid and evidence of your efforts to locate the workers. was any agreement to pay a fee terminated? Yes No Yes No If you answered "Yes" to Item Number 13., submit evidence of full reimbursement of each affected beneficiary, or their designees (as appropriate), and evidence that any agreement has been terminated. 11. Have any of the workers you are requesting experienced an interrupted stay associated with [delete] their entry as an H-2A or H-2B? (See form instructions for more information on interrupted stavs.) Yes

If yes, document the workers' periods of stay in

No

the table on the first page of this supplement. Submit evidence of each entry and each exit, with the petition, as evidence of the interrupted stays.

12.a. If you are an H-2A petitioner, are you a participant in the E-Verify program? Yes

12.b. If yes, provide the E-Verify Company ID or Client Company ID.

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Other Violations

For Item Numbers 14. - 19., determinations of violations include those against you (the petitioner), any person or entity to which you are a successor in interest, or any individual who was acting on your behalf. For Item Number 15., Item Number 17., and Item Number 19., determinations of violations also include those against any employee who an H-2A or H-2B worker would reasonably believe is acting on your behalf. See the form Instructions for information about how USCIS will use your responses in adjudicating your H-2 petition.

14. Are you currently subject to any debarment order by the U.S. Department of Labor (or, if applicable, the Governor of Guam)? Yes No

If you answered "Yes" to **Item Number 14.**, you must submit a complete copy of the final notice of debarment or administrative determination(s).

15. Within the last 3 years, have you had an approved temporary labor certification revoked by the U.S. Department of Labor (or, if applicable, the Guam Department of Labor) or have you been the subject of any administrative sanction or remedy, including a debarment that has concluded or an assessment of civil money penalties?

Yes No

If you answered "Yes" to **Item Number 15.**, you must submit a complete copy of the final administrative determination(s).

16. Within the last 3 years, have you been the

subject of a final USCIS denial or revocation decision with respect to a prior H-2A or H-2B petition that included a finding of fraud or willful misrepresentation of a material fact? (A final USCIS denial or revocation decision means that there is no pending administrative appeal or that the time for filing a timely administrative appeal has elapsed.)

Yes
No

If you answered "Yes" to **Item Number 16.**, you must submit a complete copy of the final USCIS decision(s).

17. Within the last 3 years, have you been the subject of a final USCIS decision revoking the approval of a prior petition that includes one or more of the following findings: the beneficiary was not employed by the petitioner in the capacity specified in the petition; the statement of facts contained in the petition or on the application for a temporary labor certification was not true and correct, or was inaccurate; the petitioner violated terms and conditions of the approved petition; or the petitioner violated requirements of the Immigration and Nationality Act (INA) section 101(a)(15)(H) or paragraph (h) of this section? (A final USCIS denial or revocation decision means that there is no pending administrative appeal and that the time for filing a timely administrative appeal has elapsed.)

Yes No

If you answered "Yes" to **Item Number 17.**, you must submit a complete copy of the final USCIS decision(s).

18. Within the last 3 years, have you been the subject of a final determination of violation(s) under INA section 274(a), 8 U.S.C. 1324(a)? ("Bringing in and Harboring Certain Aliens," "Criminal Penalties.")

Yes No

If you answered "Yes" to **Item Number 18.**, you must submit a complete copy of the final determination of violation(s).

19. Within the last 3 years, have you been the subject of any final administrative or judicial determination, other than ones described in **Item Numbers 14. - 18.** above, finding a violation of any applicable employment-related laws or regulations, including health and safety laws or regulations?

Yes No The H-2A/H-2B petitioner and each employer consent to allow Government access to the site where the labor is being performed for the purpose of determining compliance with H-2A/H-2B requirements. The petitioner further agrees to notify DHS beginning on a date and in a manner specified in a notice published in the Federal Register within 2 workdays if: an H-2A/H-2B worker fails to report for work within 5 workdays after the employment start date stated on the petition or, applicable to H-2A petitioners only, within 5 workdays of the start date established by the petitioner, whichever is later; the agricultural labor or services for which H-2A/H-2B workers were hired is completed more than 30 days early; or the H-2A/H-2B worker absconds from the worksite or is terminated prior to the completion of agricultural labor or services for which he or she was hired. The petitioner agrees to retain evidence of such notification and make it available for inspection by DHS officers for a one-year period. "Workday" means the period between the time on any particular day when such employee commences his or her principal activity and the time on that day at which he or she ceases such principal activity or activities.

If you answered "Yes" to **Item Number 19.**, you must submit a complete copy of the final administrative or judicial determination(s).

H-2A and H-2B Petitioner and Employer Obligations

20. The H-2A/H-2B petitioner and each employer consent to allow Government access to all sites where the labor is being or will be performed, as well as housing sites for H-2A workers, for the purpose of determining compliance with H-2A/H-2B requirements. The petitioner and each employer agree to allow USCIS to conduct interviews of employees and any other individuals possessing pertinent information, which may be conducted in the absence of the employer or the employer's representatives and, if feasible, at a neutral location agreed to by the employee and USCIS. The petitioner and each employer understand that USCIS's inability to verify facts, including due to the failure or refusal of the petitioner or employer to cooperate in an inspection or other compliance review, may result in denial or revocation of the H-2A or H-2B petition. Yes No

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21. The petitioner agrees to notify DHS beginning on a date and in a manner specified in a notice published in the Federal Register within 2 workdays if: an H-2A/H-2B worker does not report for work within 5 workdays after the employment start date stated on the petition or, applicable to H-2A petitioners only, within 5 workdays of the start date established by the petitioner, whichever is later; the agricultural labor or services for which H-2A/H-2B workers were hired is completed more than 30 days early; or the H-2A/H-2B worker does not report for work for a period of 5 consecutive workdays without the consent of the employer or is terminated prior to the completion of agricultural labor or services for which he or she was hired.

Yes No

See www.uscis.gov/h-2a and www.uscis.gov/h-2b, respectively, for the appropriate manner of notifying DHS as

For H-2A petitioners only: The petitioner agrees to pay \$10 in liquidated damages for each instance where it cannot demonstrate it is in compliance with the notification requirement.

The petitioner must execute **Part A.** If the petitioner is the employer's agent, the employer must execute **Part B.** If there are joint employers, they must each execute **Part C.**

Part A. Petitioner

By filing this petition, I agree to the conditions of H-2A/H-2B employment and agree to the notification requirements. For H-2A petitioners: I also agree to the liquidated damages requirements defined in 8 CFR 214.2(h)(5)(vi)(B)(3).

Signature of Petitioner

Name of Petitioner

Date (mm/dd/yyyy)

Part B. Employer who is not the petitioner

I certify that I have authorized the party filing this petition to act as my agent in this regard. I assume full responsibility for all representations made by this agent on my behalf and agree to the conditions of H-2A/H-2B eligibility.

specified in a notice published in the Federal Register.

NOTE: The above notification is a petitioner obligation and does not represent an indication of wrongdoing on the part of the worker. Further, USCIS does not consider the information provided in a petitioner notification, alone, to be conclusive evidence regarding the worker's current status. "Workday" means the period between the time on any particular day when such employee commences his or her principal activity and the time on that day at which he or she ceases such principal activity or activities.

22. The petitioner agrees to retain evidence of such notification and make it available for inspection by DHS officers for a one-year period.

Yes

No

23. For H-2A petitioners only: The petitioner agrees to pay \$10 in liquidated damages for each instance where it cannot demonstrate it is in compliance with the notification requirement. Yes

No

The petitioner must execute **Part A.** If the petitioner is the employer's agent, the employer must execute **Part B.** If there are joint employers, they must each execute **Part C.**

Part A. Petitioner

By filing this petition, I agree to the conditions of H-2A/H-2B employment, agree to fully cooperate with any compliance review, evaluation, verification, or inspection conducted by USCIS, and agree to the notification requirements. For H-2A petitioners: I also agree to the liquidated damages requirements defined in 8 CFR 214.2(h)(5)(vi)(B)(3).

Signature of Petitioner

Name of Petitioner

Date (mm/dd/yyyy)

Part B. Employer who is not the petitioner

I certify that I have authorized the party filing this petition to act as my agent in this regard. I assume full responsibility for all representations made by this agent on my behalf and agree to the conditions of H-2A/H-2B eligibility. I agree to fully cooperate with any compliance review, evaluation, verification, or inspection conducted

by USCIS. Signature of Employer **Signature of Employer** Name of Employer Name of Employer Date (mm/dd/yyyy) Date (mm/dd/yyyy) [Page 18] Part C. Joint Employers Part C. Joint Employers **24.** For H-2A petitioners only: A separate Part C. must be submitted for each Joint Employer. Legal Name of Individual Joint Employer Family Name (Last Name) Given Name (First Name) Middle Name Joint Employer Company or Organization Name [Page 19] **Mailing Address of Joint Employer** In Care Of Name (if any) Street Number and Name Apt./Ste./Flr. Number City or Town State **ZIP** Code Province Postal Code Country **Contact Information** Daytime Telephone Number Mobile Telephone Number **Email Address Taxpayer Identification Numbers 25.** Provide the following information, as applicable. Employer Identification Number (EIN) **Individual Taxpayer Identification Number** (ITIN) U.S. Social Security Number (SSN) **Other Information 26.** Type of Business Activity(ies) Year Established Current Number of Employees in the United

Gross Annual Income

Net Annual Income

States

Joint Employer's Certification I agree to the conditions of H-2A eligibility I agree to the conditions of H-2A eligibility. employment, and agree to fully cooperate with any compliance review, evaluation, verification, or inspection conducted by USCIS. **Signature of Joint Employer** Name of Joint Employer 27. Family Name (Last Name) of Authorized **Signatory** Given Name (First Name) of Authorized **Signatory** Title of Authorized Signatory Date (mm/dd/yyyy) 28. Signature of Authorized Signatory Date of Signature (mm/dd/yyyy) **Signature of Joint Employer** Name of Joint Employer [delete] Date (mm/dd/yyyy) **Signature of Joint Employer** Name of Joint Employer Date (mm/dd/yyyy) **Signature of Joint Employer**

> Name of Joint Employer Date (mm/dd/yyyy)