

**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

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Current Page Number and Section	Current Text	Proposed Text
<p><b>Pages 15-18,</b>  <b>Section 2. Complete This Section If Filing for H-2A or H-2B Classification</b></p>	<p>[Page 15]</p> <p><b>Section 2. Complete This Section If Filing for H-2A or H-2B Classification</b></p> <p>1. Employment is: (select only one box)            ...</p> <p>4. List the countries of citizenship for the H-2A or H-2B workers you plan to hire.</p> <p>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 <a href="http://www.uscis.gov">www.uscis.gov</a> for the list of participating countries. (Attach a separate sheet if additional space is needed.)</p> <p>Family Name (Last Name)            Given Name (First Name)            Middle Name</p> <p>5.b. Provide all other name(s) used            Family Name (Last Name)            Given Name (First Name)            Middle Name</p> <p>5.c. Date of Birth (mm/dd/yyyy)</p> <p>5.d. Country of Birth</p> <p>5.e. Country of Citizenship or Nationality</p> <p>6.a. Have any of the workers listed in <b>Item</b></p>	<p>[Page 15]</p> <p><b>Section 2. Complete This Section If Filing for H-2A or H-2B Classification</b></p> <p>1. Employment is: (select only one box)            ...</p> <p>[delete]</p>

**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

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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

**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  
No

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.

[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.,**





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

No

**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

		<p>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.)</p> <p>Yes No</p> <p>If you answered “Yes” to <b>Item Number 16.</b>, you must submit a complete copy of the final USCIS decision(s).</p> <p><b>17.</b> 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.)</p> <p>Yes No</p> <p>If you answered “Yes” to <b>Item Number 17.</b>, you must submit a complete copy of the final USCIS decision(s).</p> <p><b>18.</b> 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.”)</p> <p>Yes No</p> <p>If you answered “Yes” to <b>Item Number 18.</b>, you must submit a complete copy of the final determination of violation(s).</p> <p><b>19.</b> Within the last 3 years, have you been the subject of any final administrative or judicial determination, other than ones described in <b>Item Numbers 14. - 18.</b> above, finding a violation of any applicable employment-related laws or regulations, including health and safety laws or regulations?</p> <p>Yes No</p>
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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](http://www.uscis.gov/h-2a) and [www.uscis.gov/h-2b](http://www.uscis.gov/h-2b), respectively, for the appropriate manner of notifying DHS as



	<p><b>For H-2A petitioners only:</b> The petitioner agrees to pay \$10 in liquidated damages for each instance where it cannot demonstrate it is in compliance with the notification requirement.</p> <p>The petitioner must execute <b>Part A</b>. If the petitioner is the employer’s agent, the employer must execute <b>Part B</b>. If there are joint employers, they must each execute <b>Part C</b>.</p> <p><b>Part A. Petitioner</b></p> <p>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).</p> <p><b>Signature of Petitioner</b></p> <p><b>Name of Petitioner</b></p> <p><b>Date</b> (mm/dd/yyyy)</p> <p><b>Part B. Employer who is not the petitioner</b></p> <p>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.</p>	<p>specified in a notice published in the Federal Register.</p> <p><b>NOTE:</b> The above notification is a petitioner obligation and does not represent an indication of wrongdoing on the part of the worker. Further, USCIS <b>does not</b> 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.</p> <p><b>22. The petitioner agrees to retain evidence of such notification and make it available for inspection by DHS officers for a one-year period.</b>  Yes  No</p> <p><b>23. For H-2A petitioners only:</b> 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</p> <p>The petitioner must execute <b>Part A</b>. If the petitioner is the employer's agent, the employer must execute <b>Part B</b>. If there are joint employers, they must each execute <b>Part C</b>.</p> <p><b>Part A. Petitioner</b></p> <p>By filing this petition, I agree to the conditions of H-2A/H-2B employment, <b>agree to fully cooperate with any compliance review, evaluation, verification, or inspection conducted by USCIS</b>, 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).</p> <p><b>Signature of Petitioner</b></p> <p><b>Name of Petitioner</b></p> <p><b>Date</b> (mm/dd/yyyy)</p> <p><b>Part B. Employer who is not the petitioner</b></p> <p>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. <b>I agree to fully cooperate with any compliance review, evaluation, verification, or inspection conducted</b></p>
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	<p><b>Signature of Employer</b></p> <p><b>Name of Employer</b></p> <p><b>Date</b> (mm/dd/yyyy)</p> <p><b>[Page 18]</b></p> <p><b>Part C. Joint Employers</b></p>	<p>by USCIS.</p> <p><b>Signature of Employer</b></p> <p><b>Name of Employer</b></p> <p><b>Date</b> (mm/dd/yyyy)</p> <p><b>Part C. Joint Employers</b></p> <p><b>24. For H-2A petitioners only:</b> A separate <b>Part C.</b> must be submitted for each Joint Employer.</p> <p>Legal Name of Individual Joint Employer  Family Name (Last Name)  Given Name (First Name)  Middle Name</p> <p>Joint Employer Company or Organization Name</p> <p><b>[Page 19]</b></p> <p><b>Mailing Address of Joint Employer</b>  In Care Of Name (if any)  Street Number and Name  Apt./Ste./Flr. Number  City or Town  State  ZIP Code  Province  Postal Code  Country</p> <p><b>Contact Information</b>  Daytime Telephone Number  Mobile Telephone Number  Email Address</p> <p><b>Taxpayer Identification Numbers</b>  <b>25.</b> Provide the following information, as applicable.  Employer Identification Number (EIN)  Individual Taxpayer Identification Number (ITIN)  U.S. Social Security Number (SSN)</p> <p><b>Other Information</b>  <b>26.</b> Type of Business Activity(ies)  Year Established  Current Number of Employees in the United States  Gross Annual Income  Net Annual Income</p>
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	<p>I agree to the conditions of H-2A eligibility.</p> <p><b>Signature of Joint Employer</b> <b>Name of Joint Employer</b></p> <p><b>Date (mm/dd/yyyy)</b></p> <p><b>Signature of Joint Employer</b> <b>Name of Joint Employer</b> <b>Date (mm/dd/yyyy)</b></p> <p><b>Signature of Joint Employer</b> <b>Name of Joint Employer</b> <b>Date (mm/dd/yyyy)</b></p> <p><b>Signature of Joint Employer</b> <b>Name of Joint Employer</b> <b>Date (mm/dd/yyyy)</b></p>	<p><b><i>Joint Employer's Certification</i></b> 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.</p> <p><b>27. Family Name (Last Name) of Authorized Signatory</b> <b>Given Name (First Name) of Authorized Signatory</b> <b>Title of Authorized Signatory</b></p> <p><b>28. Signature of Authorized Signatory</b> <b>Date of Signature (mm/dd/yyyy)</b></p> <p>[delete]</p>
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