

H-2A Employment-Related Notifications to USCIS

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

- **Worker Never Reported for Work:** The H-2A worker does not report for work within 5 workdays of the latter of:
 - The employment start date on the H-2A petition; or
 - The start date established by the employer;
- **Worker Stopped Reporting for Work:** The H-2A worker leaves without notice and does not report for work for 5 consecutive workdays without the consent of the employer;
- **Termination:** The H-2A worker is terminated before completing 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 end date specified in the H-2A petition.

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."

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.

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

1. The reason for the notification (for example, explain that the worker "never reported for work," or "stopped reporting for work," or that the employment ended in "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 help USCIS identify the H-2A worker, submit the following for each H-2A worker, if available:

- Social Security number
- Visa number

Note: The employment notification requirement is a petitioner obligation and does not represent an indication of wrongdoing on the part of the H-2A worker. Further, USCIS does not consider the information provided in a petitioner notification, standing alone, to be conclusive evidence regarding the worker's current status.

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@uscis.dhs.gov

By mail:

California Service Center
Attn: BCU Section
P.O. Box 30050
Laguna Niguel, CA 92607-3004

H-2B Employment-Related Notifications to USCIS

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

- **Worker Never Reported for:** The H-2B worker does not report for work within 5 workdays of the employment start date on the H-2B petition;
- **Worker Stopped Reporting for Work:** The H-2B worker leaves without notice and not report for work for a period of 5 consecutive workdays without the consent of the employer;
- **Termination:** The H-2B worker is terminated before completing the H-2B labor or services for which he or she was hired; or
- **Early Completion:** The H-2B worker finishes the labor or services for which he or she was hired more than 30 days earlier than the end date specified in the H-2B petition.

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."

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

1. The reason for the notification (for example, explain that the worker "never reported for work," or "stopped reporting for work," or that the employment ended in "termination," or "early completion");
2. The USCIS receipt number of the approved H-2B petition;
3. The petitioner's information, including:
 - Name
 - Address
 - Phone number
 - Employer identification number (EIN)
4. The employer's information (if different from that of the petitioner):
 - Name
 - Address
 - Phone number
5. The H-2B worker's information:
 - Full Name

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

Additionally, to help USCIS identify the H-2B worker, submit the following for each H-2B worker, if available:

- Social Security number, and
- Visa number

Note: The employment notification requirement is a petitioner obligation and does not represent an indication of wrongdoing on the part of the H-2B worker. Further, USCIS does not consider the information provided in a petitioner notification, standing alone, to be conclusive evidence regarding the worker's current status.

How do I notify USCIS?

Email or mail your notification to the USCIS Service Center that approved the I-129 petition. Although not required, email notification is strongly recommended to ensure timely notification.

California Service Center

By email: CSC-X.H-2BAbs@uscis.dhs.gov

By mail:

California Service Center

Attn: BCU Section

P.O. Box 30050

Laguna Niguel, CA 92607-3004

Vermont Service Center

By email: VSC.H2BABS@uscis.dhs.gov

By mail:

Vermont Service Center

Attn: BCU ACD

38 River Road

Essex Junction, VT 05479-0001