Instructions for Form I-129H2A, Petition for a Nonimmigrant Worker: H-2A Classification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-129H2A
OMB No. 1615-0009
Expires 12/31/2027

The Purpose of Form I-129H2A

This form is used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for an alien to come temporarily to the United States as a nonimmigrant to perform agricultural services or labor.

Form I-129H-2A consists of the:

1. Basic petition; and
2. H-2A Named Beneficiary Attachment (required when more than one named beneficiary is included in the petition).

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Who May File Form I-129H2A?

General. A U.S. employer may file this form to classify an alien as a temporary agricultural worker in the H-2A nonimmigrant classification. A foreign employer, U.S. agent, or association of U.S. agricultural producers may also file this form as indicated in the specific instructions.

Agents. A U.S. individual or company in business as an agent may file a petition for workers who are traditionally self-employed or workers who use agents to arrange short-term employment on their behalf with numerous employers, and in cases where a foreign employer authorizes the agent to act on its behalf. A petition filed by a U.S. agent must guarantee the wages and other terms and conditions of employment by contractual agreement with the beneficiary or beneficiaries of the petition.

General Instructions

We provide free forms through the USCIS website. To ensure you are using the latest version of this petition, visit **uscis.gov.** To view, print, or complete our forms, you should use the latest version of Adobe Reader, which you can download for free at **http://get.adobe.com/reader/**.

Signature. You (or your signing authority) must properly complete your petition. USCIS will not accept a stamped or typewritten name in place of any signature on this petition. If you are under 14 years of age, your parent or legal guardian may sign the petition on your behalf. A legal guardian may also sign for a mentally incompetent person. If your petition is not signed, or if the signature is not valid, we will reject your petition. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of an original handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature.

Filing Fee. See Form G-1055, available at **www.uscis.gov/forms**, for specific information about the fees applicable to this form.

Evidence. When you file your petition, you must submit all evidence and supporting documents.

Biometrics Services Appointment for Certain Beneficiaries Who Will be Working in the CNMI. After receiving your petition and ensuring completeness, USCIS will inform you in writing when the beneficiary needs to go to his/her local USCIS Application Support Center (ASC) for his/her biometrics services appointment. Failure to attend the biometrics services appointment may result in denial of your petition.

Form I-94, Arrival/Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued the beneficiary a Form I-94, Arrival/Departure Record, provide his/her Form I-94 number and date that his/her authorized period of stay expires or expired (as shown on the Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

NOTE: If CBP admitted the beneficiary into the United States at an airport or seaport after April 30, 2013, he/she may have been issued an electronic Form I-94 instead of a paper Form I-94. He/she may visit the CBP website at **www.cbp.gov/I94** to obtain a paper version of the electronic Form I-94. CBP does not charge a fee for this service. Some travelers may also be able to obtain a replacement Form I-94 from the CBP website for free if they were admitted to the United States at a land border, airport, or seaport after April 30, 2013, with a passport or travel document and received a paper Form I-94 from CBP. If he/she cannot obtain their Form I-94 from the CBP website, he/she may obtain it by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. Form I-102 may be filed together with this Form I-129. USCIS does charge a fee for Form I-102. See Form G-1055, available at **www.uscis.gov/forms**, for specific information about the fees applicable to this form.

Passport and Travel Document Numbers. If you used a passport or travel document to travel to the United States, enter the passport or travel document information in the appropriate space on the petition, even if the passport or travel document is currently expired.

Copies. You should submit legible photocopies of requested documents. USCIS may request an original document at any time during our process. If we request an original document from you, we will return it to you after USCIS determines it no longer needs the original.

NOTE: If you submit original documents when they are not required or requested, USCIS may destroy them after we receive them.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must also include the translator's signature, printed name, the signature date, and the translator's contact information.

USCIS Contact Center. For additional information on the petition and Instructions about where to file, change of address, and other questions, visit the USCIS Contact Center at **www.uscis.gov/contactcenter** or call **800-375-5283** (TTY **800-767-1833**). The USCIS Contact Center provides information in English and Spanish.

Disability Accommodations/Modifications. To request a disability accommodation/modification, follow the instructions on your appointment notice or at **www.uscis.gov/accommodationsinfo**.

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How to Complete Form I-129H2A

1. Type or print legibly in black ink.
2. Complete the basic form and any relating attachments.
3. If you need extra space to complete any item within this petition, use the space provided in **Part 13.**, **Additional Information About Your Petition** or attach a separate sheet of paper. Type or print the Individual Petitioner or Company Name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
4. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A" unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None" unless otherwise directed.

Reduced Fees For Small Employers and Non-Profits

You may qualify for a reduced fee on this form and the associated asylum program fee if you:

1. Have 25 or fewer full-time equivalent employees in the United States, including any affiliates and subsidiaries; or

- Reduced fee for form and asylum program fee.
- Possible evidence to support eligibility for the reduced fees includes a copy of the petitioner's most recent IRS Form 941, Employer's Quarterly Federal Return or IRS Form 943, Employer's Annual Tax Return for Agricultural Workers.

2. Are a not-for-profit primary or secondary educational institution, or institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a); tax exempt organization under the Internal Revenue Code of 1986, section 501(c)(3), 26 U.S.C. 501(c)(3); or a governmental research organization as defined under 8 CFR 214.2(h)(19)(iii)(C).

- Reduced fee for form and no asylum program fee.
- Possible evidence to support eligibility for the reduced fees includes the organization's Determination Letter from the IRS or copy of a currently valid IRS tax exemption certificate.

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Information About Form I-129H2A

The H-2A classification is for aliens coming to the United States temporarily to perform agricultural labor or services of a temporary or seasonal nature.

The H-2A classification always requires a petition.

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The petition may be filed by:

1. The employer listed on the temporary labor certification;

2. The employer's agent; or

3. The association of U.S. agricultural producers named as a joint employer on the temporary labor certification.

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The H-2A petitioner, employer (if different from the petitioner), and each joint employer must complete and sign the relevant sections of the Form I-129H2A. A separate **Part 11** (Certification and Signature of Joint Employer) must be submitted for each joint employer.

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Including more than one alien in a petition. You may include on the same petition multiple aliens who seek admission in the H-2A classifications if the conditions listed below are met. However, H-2A petitions are limited to 25 named beneficiaries per petition.

All beneficiaries must:

1. Be employed for the same period of time; and

2. Perform the same services.

Total number of workers: The total number of workers you request on an H-2A petition must not exceed the number of workers approved by the Department of Labor on the temporary labor certification. If naming beneficiaries, a single H-2A petition may not include more than 25 named workers. A petitioner may file additional petitions if requesting more than 25 named workers.

Naming beneficiaries. Generally, you may request named or unnamed workers as beneficiaries of an H-2A petition. However, you may not request both named and unnamed workers on the same H-2A petition.

Workers must be named if you request workers who are currently in the United States.

Filing Multiple Petitions

You generally may file one petition to request all of your H-2A workers associated with one temporary labor certification (with a limit of 25 named workers per petition). In cases where filing a separate petition is not required, it may nevertheless be advantageous to file more than one H-2A petition instead. This can occur when you petition for multiple workers, some of whom may not qualify for part or all of the validity period you request. This most frequently occurs when:

1. You request workers who have an uninterrupted period of absence of at least 60 days from the United States; or

2. At least one worker is nearing the 3-year maximum stay limit.

If we request additional evidence because of these situations, it may delay petition processing. Filing separate petitions for workers who are not affected by these scenarios may enable you to quickly obtain some workers, if they are otherwise eligible, in the event that the petition for your other workers is delayed.

If you decide to file more than one petition with the same temporary labor certification, you may do so if:

1. The total number of beneficiaries on your petitions does not exceed the total number of workers approved by the U.S. Department of Labor on the temporary labor certification; and

2. Each petition is accompanied by a copy of the same temporary labor certification.

Period of Absence

An absence from the United States for an uninterrupted period of at least 60 days will provide a new total of 3 years of H-2A status that may be granted.

The 3-year maximum period of stay in H-2A status does not automatically restart if the worker departs the United States. It restarts only if the absence is for a continuous period of at least 60 days.

Recruitment of H-2A Workers

The petitioner must provide the name(s) and address(es) of all agents, facilitators, recruiters, or similar employment services hired by or working for the petitioner to locate and/or recruit the H-2A workers that the petitioner intends to hire by filing this petition. The petitioner must provide this information regardless of whether the petitioner has 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.

NOTE: U.S. Department of Labor regulations require H-2A petitioners to continue to keep foreign labor recruiter information up to date until the end of the work contract period, with this updated information available in the event of a post-certification audit or upon request by the Department of Labor. Additionally, the Department of State may request up to date foreign labor recruiter information at the time of visa application.

Initial Evidence

The evidence listed below for H-2A petitions and for those petitions seeking a change of status or extension of stay, as applicable, must be included.

The petitioner must submit:

1. A single valid temporary labor certification from the U.S. Department of Labor;* and

2. Evidence showing that each named beneficiary meets the minimum job requirements stated in the temporary labor certification at the time the certification application was filed.

*Under certain emergent circumstances, as determined by USCIS, petitions requesting a continuation of employment with the same employer for 2 weeks or less are exempt from the temporary labor certification requirement. See 8 CFR 214.2(h)(5)(x).

If a beneficiary is seeking a change of status, extension of stay, or amendment of stay, evidence of maintenance of status must be included with the new petition. If the beneficiary is employed in the United States, the petitioner may submit copies of the beneficiary's last 2 pay stubs, Form W-2, and other relevant evidence, as well as a copy of the beneficiary's Form I-94, passport, travel document, or I-797.

The beneficiary's dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status or extension of stay.

A nonimmigrant, who must have a passport to be admitted, generally must maintain a valid passport during his or her entire stay.

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The following nonimmigrants are not eligible to change status:

1. An alien admitted under a visa waiver program;
2. An alien in transit (C) or in transit without a visa (TWOV);
3. A crewman (D);
4. A fiancé(e) (K-1) or his or her dependent (K-2);
5. A spouse of a U.S. citizen (K-3) or his or her dependent (K-4);
6. A J-1 exchange visitor who was admitted in J-1 status for the purpose of receiving graduate medical training;
7. A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement; and
8. An M-1 student to an H classification if training received as an M-1 helped him or her qualify for H classification.

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Specific Instructions

Part 1. Petitioner Information

Complete the "**Legal Name of Petitioner**" field (if the petitioner is an individual person or a company or organization). For mailing address, list the address of the petitioner's primary office within the United States.

Part 2. Information About This Petition

Basis for Classification

The following explains the choices listed in **Part 2.**, **Item Number 2.**, of the Form I-129H2A.

A. New employment. Check this box if the beneficiary:

(1) Is outside the United States and holds no classification;

(2) Will begin employment for a new U.S. employer in a different nonimmigrant classification than the beneficiary currently holds; or

(3) Will work for the same employer but in a different nonimmigrant classification.

NOTE: Do not check this box if the beneficiary will work for the same employer in the same classification but there is a material change in the terms and conditions of employment, training, or the beneficiary's eligibility as specified in the original approved petition. Check the box for **Item f., Amended Petition**, instead.

B. Continuation of previously approved employment without change with the same employer. Check this box if you are applying to continue the employment of the beneficiary in the same nonimmigrant classification the beneficiary currently holds and there has been no change to the employment.

C. Change in previously approved employment. Check this box if you are notifying USCIS of a non-material change to the previously approved employment such as a change in job title without a material change in job duties.

D. New concurrent employment. Check this box if you are applying for a beneficiary to begin new employment with an additional employer in the same nonimmigrant classification the beneficiary currently holds while the beneficiary will continue working for his or her current employer in the same classification.

E. Change of employer. Check this box if you are applying for a beneficiary to begin employment working for a new employer in the same nonimmigrant classification that the beneficiary currently holds.

F. Amended petition. Check this box if you are applying to notify USCIS of a material change in the terms or conditions of employment or training or the beneficiary's eligibility as specified in the original approved petition. Additionally, petitioners requesting H-2A substitutions should check this box.

Requested Action

The following explains the kinds of action petitioners/employers may choose for **Part 2.**, **Information About This Petition**, **Item Number 4.** of Form I-129. Choose only one action.

A. Notify the office listed in Part 4. so the beneficiary(ies) can seek a visa or admission. Check this box if the beneficiary is outside of the United States, or, if the beneficiary is currently in the United States, but he or she will leave the United States to obtain a visa/admission abroad.

B. Change the status and extend the stay of beneficiaries who are now in the United States in another status. Check this box if the beneficiary is currently in the United States in a different nonimmigrant classification and is applying to change to a new, nonimmigrant status.

C. Extend the stay of each beneficiary who now holds this status. Check this box if the beneficiary is currently in the United States in a nonimmigrant classification and is requesting an extension of his or her stay in the same nonimmigrant classification.

D. Amend the stay of each beneficiary who now holds this status and is not seeking additional time from their current authorized period of stay. Check this box if the beneficiary is currently in the United States in the same nonimmigrant classification and you are not seeking additional time from their current authorized period of stay.

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Part 3. Beneficiary Information

Item Number 4. Sex. Indicate whether the beneficiary is male or female as provided on the beneficiary's birth certificate issued at the time of birth or issued closest to the time of birth or in secondary evidence you provided to USCIS, if applicable.

Additional Information Regarding H-2A Petitions

Prohibited Fees

As a condition of approval of an H-2A petition, no 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 employment (collectively, "prohibited fees") may be collected at any time from a beneficiary of an H-2A petition or any person acting on the beneficiary's behalf by a petitioner, a petitioner's employee, agent, attorney, facilitator, recruiter, or similar employment service, or any employer (if different from the petitioner). The term "similar employment service" refers to any person or entity that recruits or solicits prospective beneficiaries of the H-2A petition. This includes recruitment or employment services offered by private, nongovernmental individuals and entities, as well as quasi-governmental entities and governmental entities, whether or not such person or entity is located in the United States. Further, no such fee related to the H-2A employment may be collected by a petitioner's joint employers, including a petitioner's member employers if the petitioner is an association of United States agricultural producers, whether before or after the filing or approval of a petition. Prohibited fees may include, but are not limited to, deduction or withholding of wages or salary, whether or not such deduction or withholding of wages or salary provides some benefit to the beneficiary. The passing of a cost to the beneficiary that, by statute or applicable regulations is the responsibility of the petitioner, constitutes the collection of a prohibited fee.

It is not prohibited for workers to provide reimbursement for costs paid on their behalf that are the responsibility and primarily for the benefit of the worker, such as government-required passport fees. Furthermore, it is not prohibited for employers to reimburse a worker for fees or expenses incurred by the worker where such reimbursement is specifically permitted by, and made in compliance with, all applicable federal, state and/or local statute or regulations.

The petition should be filed with evidence that indicates the beneficiaries have not paid, and will not pay, prohibited fees.

The petition will be denied or revoked if USCIS determines that the petitioner or any petitioner's employee, agent, attorney, facilitator, recruiter, or similar employment service, or any employer or joint employer, collected, or entered into an agreement to collect, prohibited fees, as described above, whether before or after the filing of the petition.

The only exceptions to a mandatory denial or revocation for prohibited fees are as follows.

If the petitioner or any of its employees collected or entered into an agreement to collect a prohibited fee, a petitioner must demonstrate through clear and convincing evidence that:

1. The petitioner made ongoing, good faith reasonable efforts to prevent and learn of the prohibited fee(s) collection or agreement by such parties throughout the recruitment, hiring, and employment process;
2. Extraordinary circumstances beyond the petitioner's control resulted in the petitioner's failure to prevent collection or entry into agreement for collection of prohibited fees;
3. The petitioner took immediate remedial action as soon as the petitioner became aware of the payment or agreement to pay prohibited fees, including ensuring the termination of any agreement to collect such fees; and
4. The petitioner fully reimbursed all affected beneficiaries or the beneficiaries' designees if applicable (see note below).

If any employer, agent, attorney, facilitator, recruiter, or similar employment service collected or entered into an agreement to collect a prohibited fee, a petitioner must demonstrate through clear and convincing evidence that:

1. The petitioner made ongoing, good faith reasonable efforts to prevent and learn of the prohibited fee(s) collection or agreement by such parties throughout the recruitment, hiring, and employment process. (A written contract between the petitioner and any agent, attorney, facilitator, recruiter, similar employment service, or member employer stating that such fees were prohibited will not, by itself, be sufficient to meet this standard of proof.);
2. The petitioner took immediate remedial action as soon as it became aware of the payment of the prohibited fee or agreement; and
3. All affected beneficiaries or the beneficiaries' designees, if applicable, have been fully reimbursed (see note below).

   NOTE: A beneficiary's designee may be reimbursed only if an affected beneficiary cannot be located or is deceased. A designee must be an individual or entity for whom the beneficiary has provided prior written authorization to receive such reimbursement, as long as the petitioner or its agent, employer, attorney, facilitator, recruiter, or similar employment service would not act as such designee or derive any financial benefit, either directly or indirectly, from the reimbursement.

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If the petition was denied or revoked for prohibited fees, or if the petitioner withdrew the petition after USCIS issued a notice of intent to deny or revoke on this basis, any H-2A or H-2B petition that the petitioner or the petitioner's successor in interest files within 1 year after the decision or acknowledgment of withdrawal will be denied. After such 1-year period, any H-2A or H-2B petition that the petitioner or the petitioner's successor in interest files will be denied for an additional 3 years unless each affected beneficiary, or the beneficiary's designee as appropriate, has been reimbursed in full. Denial on this basis will apply to petitions for both the H-2A and H-2B classifications regardless of whether the denial, revocation, or withdrawal occurred in the H-2A or H-2B program.

Other Violations

USCIS has the authority to deny H-2A petitions if the petitioner has been found to have committed certain serious labor law violations or otherwise violated the requirements of the H-2A or H-2B program. Prospective denials under this provision will apply across both H-2 classifications regardless of whether the violation occurred in the H-2A or H-2B program. For the purposes of this denial authority, a criminal conviction or final administrative or judicial determination against any one of the following individuals will be treated as a conviction or final administrative or judicial determination against the petitioner or successor in interest:

1. An individual acting on behalf of the petitioner, which could include, among others, the petitioner's owner, employee, or contractor; or
2. For the purposes of discretionary denial, any employee of the petitioner who a reasonable person in the H-2A or H-2B worker's position would believe is acting on behalf of the petitioner.

The term "successor in interest" means an employer that is controlling and carrying on the business of a previous employer regardless of whether such successor in interest has succeeded to all of the rights and liabilities of the predecessor entity. USCIS looks at 8 CFR 214.2(h)(5)(xi)(C) and (6)(i)(D) to determine whether an employer is a successor in interest.

Whether the denial is mandatory or discretionary will depend on the nature of the past violation(s), as described below.

Mandatory Denial

USCIS is required by regulation to deny any H-2A or H-2B petition filed on or after January 17, 2025 by a petitioner (or its successor in interest) that has been the subject of one or more of the following actions:

1. A final administrative determination by the Secretary of Labor debarring the petitioner from filing or receiving a future labor certification under 20 CFR part 655 subpart A or B, 29 CFR parts 501 or 503, or a final administrative determination by the Governor of Guam debarring the petitioner from issuance of future labor certifications under applicable Guam regulations and rules, if the petition is filed during the debarment period, or if the debarment occurs during the pendency of the petition, and the final administrative determination debarring the petitioner is made on or after January 17, 2025;

2. A final USCIS denial or revocation decision made on a prior H-2A or H-2B petition filed on or after January 17, 2025 that includes a finding of fraud or willful misrepresentation of a material fact during the pendency of the petition or within 3 years prior to filing the petition; or

3. A final determination of violation(s) under section 274(a) of the Act made on or after January 17, 2025, and during the pendency of the petition or within 3 years prior to filing the petition.

Discretionary Denial

USCIS may deny any H-2A or H-2B petition filed by a petitioner (or its successor in interest) on or after January 17, 2025, that has been the subject of one or more of the following actions during the pendency of the petition (except as provided in Item 1.B. below), or within 3 years prior to filing the petition, if USCIS determines that the underlying violation(s) calls into question the petitioner's or successor's intention and/or ability to comply with H-2A or H-2B program requirements.

1. A final administrative determination by the Secretary of the U.S. Department of Labor or Governor of Guam with respect to a prior H-2A or H-2B temporary labor certification that includes:

- **A.** Revocation of an approved temporary labor certification under 20 CFR 655 Subpart A or B, or applicable Guam regulations and rules;
- **B.** Debarment under 20 CFR 655 subpart A or B, 29 CFR parts 501 or 503, or applicable Guam regulations and rules, if the debarment period has concluded prior to filing the petition; or
- **C.** Any other administrative sanction or remedy under 29 CFR part 501 or 503, or applicable Guam regulations and rules, including assessment of civil money penalties as described in those parts.

2. 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 section 101(a)(15)(H) of the Act or paragraph (h) of this section.

3. Any Federal, state, or local final administrative or judicial determination (other than one described in 8 CFR 214.2(h)(10)(iv)(A)) that the petitioner violated any applicable employment-related laws or regulations, including health and safety laws or regulations.

If the petitioner has been the subject of one of the above determinations, the petitioner must demonstrate to USCIS that the underlying violation(s) does not call into question its intent and ability to comply with H-2A program requirements. In determining whether the violation(s) underlying the above determinations call into question the petitioner's (or successor's) intent and ability to comply with H-2A program requirements, USCIS will consider all relevant factors including, but not limited to:

1. The recency and number of violation(s);

2. The egregiousness of the violation(s), including how many workers were affected, and whether it involved a risk to the health or safety of workers;

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3. Overall history or pattern of prior violation(s);
4. The severity or monetary amount of any penalties imposed;
5. Whether the final determination, decision, or conviction included a finding of willfulness;
6. The extent to which the violator achieved a financial gain due to the violation(s), or the potential financial loss or potential financial injury to the workers;
7. Timely compliance with all penalties and remedies ordered under the final determination(s), decision(s), or conviction(s); and
8. Other corrective actions taken by the petitioner or its successor in interest to cure its violation(s) or prevent future violations.

NOTE: You should submit any evidence that relates to the above factors or that is otherwise relevant to your past violations and/or your intent and ability to comply with program requirements going forward. If USCIS has previously determined that a petitioner (or the preceding entity, if the petitioner is a successor in interest) has established its intention and the ability to comply with H-2A program requirements based on the same violation(s), USCIS will not seek to deny a petition under paragraph (h)(10)(iv)(B), unless there is evidence of a new material fact or if USCIS determines that its previous determination was based on a material error of law.

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Notification Requirements

By filing an H-2A petition, the petitioner agrees to notify USCIS within 2 work days if an H-2A worker:

1. Does not report to work within 5 workdays after the employment start date stated on the petition or within 5 workdays after the start date as established by the H-2A employer, whichever is later;
2. Completes the labor or services more than 30 days earlier than the employment end date stated on the petition;
3. Does not report for work for a period of 5 consecutive workdays without the consent of the employer; or
4. Is terminated prior to the completion of the services or labor.

The above notification requirement is an employer obligation and does not establish wrongdoing on the part of the worker. Further, USCIS does not consider the information provided in an employer notification, alone, to be conclusive evidence regarding the worker's current status.

Failure to comply with this agreement may result in penalties against the petitioner. See **www.uscis.gov/h-2a** for more information, including the appropriate manner of notifying DHS.

When To File?

Generally, a Form I-129 petition may not be filed more than 6 months prior to the date employment is scheduled to begin.

Where To File?

Regular Processing:

Please see our website at **www.uscis.gov/I-129** for the most current information about where to file this petition.

Address Change

If you are not a U.S. citizen, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on changing your address, go to our website at **www.uscis.gov/addresschange**, or call the USCIS Contact Center.

NOTE: Do not submit a change of address request to the USCIS Lockbox.

Processing Information

Acceptance. Any petition that is not signed or accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. A petition is not considered properly filed until accepted by USCIS.

Initial Processing. Once USCIS accepts your petition, we will check it for completeness. If you do not properly complete this petition, you will not establish a basis for your eligibility and we may reject or deny your petition.

Service Processing Information. Our goal at USCIS is to process all petitions fairly. The processing time will vary, depending on the specific circumstances of each case. We may reject an incomplete petition. We may deny your petition if you do not give us the requested information.

Requests for More Information. USCIS may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. If we request an original document from you, we will return it to you after USCIS determines it is no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your petition. During your interview, USCIS may require you to provide your biometrics to verify your identity and/or update background and security checks.

Decision. The decision on Form I-129 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of our decision in writing.

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USCIS Forms and Information

To ensure you are using the latest version of this petition, visit **www.uscis.gov**.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-129, we will deny your petition and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Compliance Review and Monitoring

By signing this petition, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this petition are complete, true, and correct. You also authorize the release of any information from your records that USCIS may need to determine your eligibility for the immigration benefit you are seeking and consent to USCIS verifying such information.

The Department of Homeland Security (DHS) has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. Our legal authority to verify this information is in 8 U.S.C. sections 1103, 1154, 1155, and 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, we may verify information before or after your case is decided.

Agency verification methods may include, but are not limited to: reviewing public records and information; contacting through written correspondence; using the internet, fax, other electronic transmission, or telephone; making unannounced physical site inspections of residences and locations of employment; and interviewing people. USCIS will use the information we obtain to assess your compliance with the laws and to determine your eligibility for an immigration benefit.

Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with an opportunity to address any adverse or derogatory information that may result from a compliance review, verification, or site visit before a decision is made on your request. For a visit after your request is approved, USCIS will provide you with an opportunity to address any adverse or derogatory information which may result in revocation or termination of an approval.

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DHS Privacy Notice

AUTHORITIES: The information requested on this petition and the associated evidence, is collected under 8 U.S.C. sections 1154, 1184, and 1258.

PURPOSE: The primary purpose for providing the requested information on this petition is to petition USCIS for a nonimmigrant worker to come temporarily to the United States to perform services or labor or to receive training. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your petition.

ROUTINE USES: DHS may share the information you provide on this petition and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System and DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems] which you can find at **www.dhs.gov/privacy**. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

USCIS may not conduct or sponsor an information collection, and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 4.59 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No 1615-0009. **Do not mail your completed Form I-129 to this address.**