

TABLE OF CHANGES – INSTRUCTIONS
Form I-129H2A, Petition for a Nonimmigrant Worker: H-2A Classification
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- Black font = Current text
- Red font = Changes

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Current Page Number and Section	Current Text	Proposed Text
Page 1, The Purpose of Form I-129H2A	[Page 1] 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. ...	[Page 1] 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 in the H-2A classification. The period of stay that may be granted is up to the period specified in the temporary labor certification that supports the requested employment. ...
Page 1, Who May File Form I-129H2A?	[Page 1] 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.	[Page 1] Who May File Form I-129H2A? General. 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. The H-2A petitioner, employer (if different from the petitioner), and each joint employer must complete and sign the

	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.	relevant sections of the Form I-129H2A. A separate Part 11., Certification and Signature of Joint Employer, must be submitted for each joint employer. Agents. A petition filed by an agent must be filed with a completed Part 10. in which the employer has authorized the agent to act on its behalf, has assumed full responsibility for all representations made by the agent on its behalf, and has agreed to the conditions of H-2A eligibility.
Pages 1-5, General Instructions	[Page 1] General Instructions ... 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. ... 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. [Page 2]	[Page 1] General Instructions ... Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of an original benefit request with a handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original request or document containing the handwritten ink signature. For an electronically filed petition, USCIS will accept signatures in an electronic format. Petitioners must follow the additional instructions provided within the relevant system to properly sign electronically. ... 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. [Page2]

	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. ...	[Deleted] [Deleted] [Deleted] 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. ...
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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 [Page 3] • 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	How to Complete Form I-129H2A 1. Type or print legibly in black ink. 2. Complete the basic petition and any H-2A Named Beneficiary 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, type or print “N/A” unless otherwise directed. Reduced Fees For Small Employers and Non-Profits [Deleted] 1. If you have 25 or fewer full-time equivalent employees in the United States, including any affiliates and subsidiaries (as indicated in Part 5., Item Number 7.), you may qualify for a: [Page 2] • Reduced fee for form and reduced 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
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	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. 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. 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. 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.	Return or IRS Form 943, Employer's Annual Tax Return for Agricultural Workers. 2. If you 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) (as indicated in Part 1., Item Number 7.), you may qualify for a: • 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. Information About Form I-129H2A [Deleted] The H-2A classification always requires a petition. [Deleted] [Deleted] [Deleted] [Deleted] [Deleted]
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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:	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 (in Part 2., Item Number 5.) 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 (in Part 2., Item Number 1.). 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:
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	1. You request workers who have an uninterrupted period of absence of at least 60 days from the United States; or [Page 4] 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. [New] Period of Absence An absence from the United States for an uninterrupted period of at least 60 days will	1. At least one worker is nearing the 3-year maximum period of stay limit; or [Page 3] 2. At least one worker has been the subject of a prior H-2A violation of status or other known eligibility concern. 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. Filing separate petitions may also be in your interest to ensure workers who are eligible for the full period of requested employment are not granted limited validity based on another worker reaching the 3-year maximum period of stay. 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. Maximum Period of Stay The maximum overall period of stay is, generally, three years in H-2A or H-2B status, after which an H-2A or H-2B worker must depart from the United States and remain outside the country for an uninterrupted period of no less than 60 days before such worker again becomes eligible for H-2A classification. Periods of Absence An absence from the United States for an uninterrupted period of at least 60 days will
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	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. [New]	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. Brief trips to the United States for business or pleasure are permitted during a period of absence but do not count towards fulfillment of the required 60-day minimum period of time abroad. See the Specific Instructions for Part 3., Item Number 20. [Deleted] [Deleted] [Deleted] Substitution of Beneficiaries After Admission An H-2A petition may be filed to replace H-2A workers: 1. Whose employment was terminated earlier than the end date stated on the H-2A petition and before the completion of work;
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		2. Who do not report for work within 5 workdays of the employment start date on the H-2A petition or within 5 workdays of the start date established by their employer, whichever is later; or 3. Who do not report to work for a period of 5 consecutive workdays without the consent of the employer. If requesting substitution in any of these circumstances, see the Specific Instructions for Part 2., Item Number 6.a. NOTE: Filing an H-2A petition requesting substitution does not fulfill the Notification Requirements explained in the Specific Instructions for Part 8., Item Number 2.a. below. Without proper notification, your petition requesting substitution will not be approved. See 8 CFR 214.2(h)(5)(ix). Violations of Status An H-2A worker who is found by USCIS to have violated any of the terms or conditions of admission into the United States may not be granted H-2A status for a period of 5 years from the date of that finding. Such violations include remaining beyond the specific period of authorized stay or engaging in unauthorized employment, other than through no fault of his or her own (such as due to an employer's illegal or inappropriate conduct). See 8 CFR 214.2(h)(5)(viii)(A).
	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	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. * The following exceptions apply to the requirement of a temporary labor certification as initial evidence: 1. For an H-2A petition requesting unnamed beneficiaries that is filed electronically, a valid temporary labor certification is not required as initial evidence, provided that the petition is filed after the U.S. Department of Labor issues a notice of acceptance. See 8 CFR 214.2(h)(5)(h)(i) 2. 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). [New]	certification at the time the certification application was filed. * The following exceptions apply to the requirement of a temporary labor certification as initial evidence: 1. For an H-2A petition requesting unnamed beneficiaries that is filed electronically, a valid temporary labor certification is not required as initial evidence, provided that the petition is filed after the U.S. Department of Labor issues a notice of acceptance. See 8 CFR 214.2(h)(5)(h)(i) and the Specific Instructions for Part 5., Item Number 2.a. 2. 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 requirement of a new temporary labor certification. See 8 CFR 214.2(h)(5)(x) and the Specific Instructions for Part 5., Item Number 3.a. A petition requesting an extension of stay for a beneficiary in the United States must be filed with a copy of the beneficiary's Form I-94, Nonimmigrant Arrival/Departure Record. NOTE: If U.S. Customs and Border Protection (CBP) admitted the beneficiary into the United States at an airport or seaport after April 30, 2013, the beneficiary may have been issued an electronic Form I-94 instead of a paper Form I-94 and may visit the CBP website at 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 the beneficiary cannot obtain their Form I-94 from the CBP website, the beneficiary may obtain it by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for
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	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. ...	Form I-102. See Form G-1055, available at uscis.gov/forms, for specific information about the fees applicable to this form. 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. ...
Pages 5-6, Specific Instructions	[Page 5] 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. [New] Part 2. Information About This Petition [New]	[Page 5] Specific Instructions Part 1. Petitioner Information [Deleted] Item Numbers 1. - Item Number 2. You must complete these items if the petitioner is an individual or sole proprietor (someone who owns a business, but the business is not organized as a separate legal entity). Item Number 3. You must complete this item if the petitioner is a company or an organization. Item Number 4. Provide the address of the petitioner's primary office within the United States. The primary U.S. office address must not be the address of the petitioner's outside counsel or preparer. Petitions filed with an address that is not the petitioner's U.S. office address may be rejected or denied. The location of the petitioner's primary office may determine where the petition must be filed. Part 2. Information About This Petition Item Number 1. Type of Beneficiaries Requested. You may not request both named and unnamed workers on the same

	Basis for Classification The following explains the choices listed in Part 2., Item Number 2., of the Form I-129H2A. [New] 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	H-2A petition. Workers must be named if you request workers who are currently in the United States. Item Number 2. Basis for Classification [Deleted] Select only one of the following options: A. New employment. Select this box if each 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 select this box if each 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. Select the box for Item F., Amended Petition, instead. B. Continuation of previously approved employment without change with the same employer. Select this box if you are applying to continue the employment of each 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. Select 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. Select this box if you are applying for each beneficiary to begin new employment with an additional employer in the same
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	nonimmigrant classification the beneficiary currently holds while the beneficiary will continue working for his or her current employer in the same classification. [Page 6] 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. [New] 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	nonimmigrant classification the beneficiary currently holds while the beneficiary will continue working for his or her current employer in the same classification. [Page 6] E. Change of employer. Select this box if you are applying for each beneficiary to begin employment working for a new employer in the same nonimmigrant classification that the beneficiary currently holds. F. Amended petition. Select this box if you are applying to notify USCIS of a material change in the terms or conditions of employment or in the beneficiary's eligibility as specified in the original approved petition. If you select this box, you must also provide the receipt number of the original approved petition in Item Number 3. Item Number 4. Requested Action [Deleted] Select only one of the following options: A. Notify the office listed in Part 4. so the beneficiary(ies) can seek a visa or admission. Select this box if each beneficiary is outside of the United States, or, if each 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. Select this box if each 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. Select this box if each beneficiary is currently in the
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	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. [New] Part 3. Beneficiary Information [New] 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	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. Select this box if each 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. Item Number 6.a. Requesting Substitution. If you indicate you are requesting substitution to replace H-2A workers, you must provide the name, date of birth, and country of birth of any workers for which replacements are sought. If applicable, you must also provide such workers' termination date, the reason for termination, and the date that USCIS was notified that the worker was terminated or did not report for work for a period of five (5) consecutive workdays without the consent of the employer. You must also provide a copy of the original petition approval notice, even if any workers to be replaced were unnamed beneficiaries. You are not required to submit a copy of your notification to USCIS that the worker was terminated with your petition but may do so as optional supporting documentation. Part 3. Beneficiary Information Complete Part 3. only if you are filing for named beneficiaries. These instructions also apply to the corresponding Items on the H-2A Named Beneficiary Attachment. You must submit an H-2A Named Beneficiary Attachment for each additional beneficiary when more than one named beneficiary is included in the petition. Do not submit a copy of this attachment for the person you named in Part 3. of your H-2A petition. 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
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	time of birth or in secondary evidence you provided to USCIS, if applicable. [New]	time of birth or in secondary evidence you provided to USCIS, if applicable. Item Number 11. Form I-94, Arrival/Departure Record Number. If CBP or USCIS issued the beneficiary a Form I-94, Arrival/Departure Record, provide the beneficiary's Form I-94 number and the date that his or 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. Item Number 12. Passport or Travel Document Number. If the beneficiary used a passport or travel document to travel to the United States, enter the passport or travel document information, even if the passport or travel document is currently expired. Item Number 16. Beneficiary's Current Residential U.S. Address. You must provide the beneficiary's current address if the beneficiary is in the United States. Item Number 19. USCIS will consider periods of stay in H and L classifications in determining whether the beneficiary has reached the maximum 3-year period of stay in H-2A or H-2B status. This does not include periods in which the beneficiary was in a dependent status, for example, H-4 or L-2 status. A beneficiary who has reached the maximum 3-year period of stay may not be eligible for an extension of stay, change of status, or readmittance based on an H-2A petition filed on his or her behalf unless the beneficiary has resided and been physically present outside the United States for an uninterrupted period of at least 60 days. See 8 CFR 214.2(h)(13)(i)(B). You must submit copies of Forms I-94, I-797, and/or other USCIS issued documents noting the beneficiary's periods of stay in an applicable H or L classification for the last three years. Item Number 20. Periods of Absence. If you indicate you are requesting a restarting of the 3-year maximum period of stay limit in H-2A or H-2B status for the beneficiary because he or she was absent from the United States for an uninterrupted period of
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		at least 60 days, you must provide information about the beneficiary's employment and place of residence during the period that the beneficiary resided abroad. You must also submit evidence of each entry and each exit to establish each period of absence. This evidence may include, but is not limited to, arrival and departure records, copies of tax returns, and records of employment abroad. If a period of absence includes any brief trips to the United States during the required time abroad, you must also provide an explanation of their purpose. Part 4. Processing Information Complete Part 4. only if you are filing for named beneficiaries. Part 5. Basic Information About the Proposed Employment and Employer Item Number 1. ETA Case Number. You must provide the Employment and Training Administration (ETA) case number for the temporary labor certification approved by the U.S. Department of Labor. If excepted from the requirement of a temporary labor certification as initial evidence, provide the ETA case number for the underlying application for temporary labor certification accepted by the U.S. Department of Labor. Because USCIS relies on the ETA Case Number you provide to obtain pertinent information from the U.S. Department of Labor about the proposed employment, any errors or omissions with respect to the ETA case number will likely delay a final decision. Item Number 2.a. Concurrent Processing. Only a petition that is requesting unnamed beneficiaries and that is filed electronically can be filed prior to the approval of the temporary labor certification pursuant to 8 CFR 214.2(h)(5)(i)(A)(2). For such petitions, USCIS will rely upon the ETA Case Number you provide in Part 5., Item Number 1. to confirm that your H-2A petition was filed after the U.S. Department of Labor issued a notice of acceptance for the underlying application for temporary labor certification. You are not required to
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		submit a copy of the notice of acceptance with your petition but may do so as optional supporting documentation. If such petition was filed before the U.S. Department of Labor issued a notice of acceptance for the underlying application for temporary labor certification, your petition will be denied. NOTE: USCIS will make necessary modifications to H-2A petitions filed for concurrent processing to reflect any modifications made by the U.S. Department of Labor to the temporary labor certification., such as amending the first date of need or reducing the number of workers through partial certification. The temporary labor certification must be approved by the U.S. Department of Labor before USCIS may approve the H-2A petition, provided that all other statutory and regulatory requirements are met. Item Number 3.a. Extensions in Emergent Circumstances. If you indicate you are requesting extension of a previously approved H-2A petition for a period not to exceed two weeks without an additional approved labor certification, you must provide a detailed explanation of the emergent circumstances. Also provide any supporting documentation. The ETA Case Number you provide in Part 5., Item Number 1. must be for the temporary labor certification that supports the previously approved H-2A petition. Item Number 10.a. Employment is of a seasonal nature where it is tied to a certain time of year by an event or pattern, such as a short annual growing cycle or a specific aspect of a longer cycle, and requires labor levels far above those necessary for ongoing operations. Employment is of a temporary nature where the employer's need to fill the position with a temporary worker will, except in extraordinary circumstances, last no longer than one year. Item Number 11. Depending upon the type(s) of employment indicated in Part 5., Item Number 10., you must establish that the employment is of a temporary or seasonal nature. In addition to the explanation you provide of your need for
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		the workers' services, you may submit any supporting documentation. Item Number 12.a. Recruitment of H-2A Workers. You 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. You 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: The Department of State may request up to date foreign labor recruiter information at the time of visa application.
Page 6-9, Additional Information Regarding H-2A Petitions	[Page 6] 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	[Page 8] [Moved to under Specific Instructions] Part 6. 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. [Page 7] 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. ... Other Violations ... <i>Mandatory Denial</i> USCIS is required by regulation to deny any H-2A or H-2B petition filed on or after	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 petitioners (including their employees), employers or any joint employers, agents, attorneys, facilitators, recruiters, or similar employment services to receive reimbursement from the beneficiary 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. [Page 8] [Deleted] 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. ... Part 7. Other Violations ... <i>Mandatory Denial</i> USCIS is required by regulation to deny any H-2A petition filed on or after January 17, 2025 by a petitioner (or its successor in
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	January 17, 2025 by a petitioner (or its successor in interest) that has been the subject of one or more of the following actions: ... <i>Discretionary Denial</i> 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. ... 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. [New]	interest) that has been the subject of one or more of the following actions: ... <i>Discretionary Denial</i> USCIS may deny any H-2A 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 program requirements. ... 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 or H-2B 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. Part 8. Petitioner and Employer Obligations Failure to consent or agree to each of the petitioner and employer obligations required in Part 8. will result in the denial of your H-2A petition.
Page 9, Notification Requirements	[Page 9]	[Page 9] [Moved to under Specific Instructions]

	Notification Requirements ... 4. Is terminated prior to the completion of the services or labor. [New] 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. [New] 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. [New]	Item Number 2. Notification Requirements ... 4. Is terminated prior to the completion of the services or labor. NOTE: “Workday” means the period between the time on any particular day when such worker commences his or her principal activity and the time on that day at which he or she ceases such principal activity or activities. The above notification requirement is a petitioner obligation and does not establish 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. The petitioner also agrees to retain evidence of any notifications complying with this requirement and to make them available for inspection by DHS officers for a one-year period beginning on the date of the notification. Failure to comply with the agreements to notify and retain evidence of such notification may result in penalties against the petitioner. See uscis.gov/h-2a for more information, including the appropriate manner of notifying DHS. Part 10. Certification and Signature of Employer who is not the Petitioner Complete Part 10. only if the petitioner is filing as the employer’s agent (in Part 1., Item Number 10.). Part 11. Certification and Signature of Joint Employer Complete Part 11. only if there are any joint employers. A separate Part 11. must be submitted for each joint employer. Do not submit a copy of Part 11. for the petitioner. Part 13. Additional Information About Your Petition
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Page 10, Processing Information	[Page 10] Processing Information ... 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.	[Page 12] Processing Information ... Decision. The decision on Form I-129H2A 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.
Page 11, Penalties	[Page 11] 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.	[Page 13] Penalties If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-129H2A, 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.
Page 11, DHS Privacy Notice	[Page 11] 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	[Page 14] DHS Privacy Notice AUTHORITIES: The information requested on this petition and the associated evidence, is collected under the Immigration and Nationality Act sections 101, 214, 222, and 248 and 8 CFR parts 103, 214, and 248. PURPOSE: The primary purpose for providing the requested information on this petition is to petition USCIS for an alien to temporarily enter the United States as an H-2A agricultural nonimmigrant worker. An employer, including an association of U.S. agricultural producers named as a joint

	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.	employer on the temporary labor certification accompanying the petition, (or agent, where applicable) will also use this form to request an extension of stay of an H-2A agricultural nonimmigrant worker or to change the status of an alien currently in the United States as a nonimmigrant to H-2A. DHS uses 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, DHS/USCIS-006 - Fraud Detection and National Security Records (FDNS), DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessments [DHS/USCIS/PIA-003 Integrated Digitization Document Management Program, DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems, DHS/USCIS/PIA-044(a) Validation Instrument for Business Enterprises (VIBE), DHS/USCIS/PIA-056(c) USCIS Electronic Immigration System (USCIS ELIS), DHS/USCIS/PIA-079 Content Management Services (CMS), and DHS/USCIS/PIA-010 Person Centric Query Service (PCQS)], which you can find at dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.
Page 12, Paperwork Reduction Act	[Page 12] Paperwork Reduction Act	[Page 14] 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.	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 4.85 hours per response for paper filing and 4.59 hours per response for electronic filing of PDF Intake (PDFi), 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 1615-0150. Do not mail your completed Form I-129H2A to this address.
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