

H-2 Petitioner's Employment Related ~~or Fee-Related~~ Notification

~~Form OMB-49~~ USCIS Form I-129N

OMB Control Number 1615-0107

H-2A Employment-Related Notifications to USCIS

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

- **No show: Worker Never Reported for Work:** The H-2A worker ~~fails to~~ does not report ~~to~~ for work within 5 ~~work days~~ workdays of the latter of:
  - The employment start date on the H-2A petition; or
  - The start date established by the employer;
- **Abseondment Worker Stopped Reporting for Work:** The H-2A worker leaves without notice and ~~fails does not to~~ report for work for 5 consecutive workdays without the consent of the employer;
- **Termination:** The H-2A worker is terminated before completing ~~of~~ the H-2A labor or services for which he or she was hired; or
- **Early Completion:** The H-2A worker finishes the labor or services for which he or she was hired more than 30 days earlier than the **end** date specified in the H-2A petition.

**Note:** USCIS defers to DOL's definition of "workday." According to the Fair Labor Standards Act (FLSA), this generally means the period of time on any particular day when an employee begins and ends his or her "principal activities."

**Failure to Notify USCIS:** A petitioner who fails to comply with these employment notification requirements, or fails to demonstrate good cause for untimely notification, may be required to pay \$10 in liquidated damages for each instance of noncompliance.

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

1. The reason for the notification (for example, explain that the worker ~~was either a~~ "no show never reported for work," or "stopped reporting for work," ~~"abseonder,"~~ or that the employment ended in "termination," or "early completion");
2. The reason for untimely notification and evidence for good cause, if applicable;
3. The USCIS receipt number of the approved H-2A petition;
4. The petitioner's information, including:
  - Name
  - Address
  - Phone number
  - Employer identification number (EIN)
5. The employer's information (if different from that of the petitioner):
  - Name
  - Address
  - Phone number
6. The H-2A worker's information:
  - Full Name

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

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

- Social Security number
- Visa number

~~**Failure to Notify USCIS: A petitioner who fails to comply with these employment notification requirements, or fails to demonstrate good cause for untimely notification, may be required to pay \$10 in liquidated damages for each instance of noncompliance.**~~

~~**Note:** USCIS defers to DOL’s definition of “workday.” According to the Fair Labor Standards Act (FLSA), this generally means the period of time on any particular day when an employee begins and ends his or her “principal activities.”~~

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

### **How do I notify USCIS?**

Email or mail your notification to the California Service Center at the following addresses. Although not required, email notification is strongly recommended to ensure timely notification.

#### **California Service Center**

By email: [CSC-X.H-2AAbs@uscis.dhs.gov](mailto:CSC-X.H-2AAbs@uscis.dhs.gov)

By mail:

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

#### ~~**H-2A Fee-Related Notifications to USCIS**~~

~~A petitioner, agent, facilitator, recruiter, or similar employment service is prohibited from collecting a job placement fee or other compensation (either direct or indirect) at any time from an H-2A worker as a condition of employment.~~

~~Petitioners are provided with the opportunity to avoid denial or revocation (on notice) of their H-2A petition if they notify USCIS that they obtained information concerning the beneficiary’s payment of (or agreement to pay) a prohibited fee or compensation to any agent, facilitator, recruiter, or similar employment service *only after* they filed their H-2A petition. This narrow exception does not apply, however, where a petitioner knew or should have known at the time of filing of its H-2A petition that the prospective worker had paid (or agreed to pay) such recruitment-related fees to any such persons or entities.~~

~~Petitioners must notify USCIS of an H-2A worker's payment of or agreement to pay prohibited fees to a recruiter, facilitator or similar employment service within 2 workdays of gaining knowledge of such payment or agreement.~~

~~Petitioners must include the following information in their fee-related notification:~~

- ~~1. The reason for the notification;~~
- ~~2. The USCIS receipt number of the approved H-2A petition;~~
- ~~3. The petitioner's information:
  - ~~○ Name~~
  - ~~○ Address~~
  - ~~○ Phone number~~~~
- ~~4. The employer's information (if different from that of the petitioner):
  - ~~○ Name~~
  - ~~○ Address~~
  - ~~○ Phone number~~~~
- ~~5. Information about the recruiter, facilitator, or placement service to which the beneficiaries paid (or agreed to pay) the prohibited fee:
  - ~~○ Name~~
  - ~~○ Address~~~~

~~How do I notify USCIS?~~

~~Email or mail your notification to the California Service Center at the following addresses. Although not required, email notification is strongly recommended to ensure timely notification.~~

#### ~~California Service Center~~

~~By email: [CSC.H2AFee@uscis.dhs.gov](mailto:CSC.H2AFee@uscis.dhs.gov)~~

~~By mail:~~

~~California Service Center  
Attn: H-2A Fee  
P.O. Box 10695  
Laguna Niguel, CA 92607-1095~~

## H-2B Employment-Related Notifications to USCIS

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

- **Worker Never Reported for Work**~~No show~~: The H-2B worker ~~fails to~~does not report ~~to~~for work within 5 ~~work days~~workdays of ~~the latter of~~:
  - ~~t~~The employment start date on the H-2B petition; ~~or~~
  - ~~The start date established by the employer;~~
- **Worker Stopped Reporting for Work**~~Abseondment~~: The H-2B worker leaves without notice and ~~fails to~~does not report for work for a period of 5 consecutive workdays without the consent of the employer;
- **Termination**: The H-2B worker is terminated before completing the H-2B labor or services for which he or she was hired; or
- **Early Completion**: The H-2B worker finishes the labor or services for which he or she was hired more than 30 days earlier than the **end** date specified in the H-2B petition.

**Note:** USCIS defers to DOL’s definition of “workday.” According to the Fair Labor Standards Act (FLSA), this generally means the period of time on any particular day when an employee begins and ends his or her “principal activities.”

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

1. The reason for the notification (for example, explain that the worker ~~was either a~~ “no show never reported for work,” or “stopped reporting for work,”~~“abseonder,”~~ or that the employment ended in “termination,” or “early completion”);
- ~~2. The reason for untimely notification and evidence for good cause, if applicable;~~
- ~~3~~2. The USCIS receipt number of the approved H-2B petition;
- ~~4~~3. The petitioner’s information, including:
  - Name
  - Address
  - Phone number
  - Employer identification number (EIN)

~~5~~4. The employer’s information (if different from that of the petitioner):

- Name
- Address
- Phone number

~~6~~5. The H-2B worker’s information:

- Full Name
- Date of birth
- Place of birth

- Last known physical address and phone number

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

- Social Security number, and
- Visa number

~~**Note:** USCIS defers to DOL’s definition of “workday.” According to the Fair Labor Standards Act (FLSA), this generally means the period of time on any particular day when an employee begins and ends his or her “principal activities.”~~

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

## How do I notify USCIS?

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

California Service Center

By email: [CSC-X.H-2BAbs@uscis.dhs.gov](mailto:CSC-X.H-2BAbs@uscis.dhs.gov)

By mail:

### California Service Center

Attn: BCU Section  
P.O. Box 30050  
Laguna Niguel, CA 92607–3004

### Vermont Service Center

By email: [VSC.H2BABS@uscis.dhs.gov](mailto:VSC.H2BABS@uscis.dhs.gov)

By mail:

Vermont Service Center  
Attn: BCU ACD  
38 River Road  
Essex Junction, VT 05479-0001

## ~~H-2B Fee-Related Notifications to USCIS~~

~~A petitioner, agent, facilitator, recruiter, or similar employment service is prohibited from collecting a job placement fee or other compensation (either direct or indirect) at any time from an H-2A worker as a condition of employment.~~

~~Petitioners are provided with the opportunity to avoid denial or revocation (on notice) of their H-2A petition if they notify USCIS that they obtained information concerning the beneficiary’s payment of (or agreement to pay) a prohibited fee or compensation to any agent, facilitator, recruiter, or similar employment service *only after* they filed their H-2A petition. This narrow exception does not apply, however, where a petitioner knew or~~

~~should have known at the time of filing of its H-2A petition that the prospective worker had paid (or agreed to pay) such recruitment-related fees to any such persons or entities.~~

~~Petitioners must notify USCIS of an H-2A worker's payment of or agreement to pay prohibited fees to a recruiter, facilitator or similar employment service within 2 workdays of gaining knowledge of such payment or agreement.~~

~~Petitioners must include the following information in their fee-related notification:~~

- ~~1. The reason for the notification;~~
- ~~2. The USCIS receipt number of the approved H-2A petition;~~
- ~~3. The petitioner's information:
  - ~~○ Name~~
  - ~~○ Address~~
  - ~~○ Phone number~~~~
- ~~4. The employer's information (if different from that of the petitioner):
  - ~~○ Name~~
  - ~~○ Address~~
  - ~~○ Phone number~~~~
- ~~5. Information about the recruiter, facilitator, or placement service to which the beneficiaries paid (or agreed to pay) the prohibited fee:
  - ~~○ Name~~
  - ~~○ Address~~~~

~~How do I notify USCIS?~~

~~Email or mail your notification to the California Service Center at the following addresses. Although not required, email notification is strongly recommended to ensure timely notification.~~

#### ~~California Service Center~~

~~By email: [CSC.H2AFee@uscis.dhs.gov](mailto:CSC.H2AFee@uscis.dhs.gov)~~

~~By mail:~~

~~California Service Center  
Attn: H-2A Fee  
P.O. Box 10695  
Laguna Niguel, CA 92607-1095~~