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DHS Streamlines the Filing Process for Certain Agricultural Workers

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DHS, DOL modernize and streamline the H-2A process for agricultural employers

WASHINGTON— The Department of Homeland Security is announcing a [final rule](#), effective Oct. 2, 2025, to streamline the filing process for certain temporary agricultural worker petitions.

The new rule allows U.S. Citizenship and Immigration Services to begin processing petitions for H-2A temporary agricultural workers while the Department of Labor reviews the requested employment to ensure it would not harm American workers.

“This change allows USCIS to support American farmers in their critical work for our nation while also ensuring that they hire thoroughly screened and vetted foreign labor. When migrants choose legal pathways to employment in the United States, it is beneficial for American businesses, the public’s confidence in the rule of law, and the foreign workers themselves,” said USCIS Spokesperson Matthew Tragesser.

Beginning Oct.2, petitioners seeking unnamed beneficiaries can electronically file the newly published [Form I-129H2A, Petition for a Nonimmigrant Worker: H-2A Classification](#), after DOL issues a notice of acceptance of the application for temporary labor certification (TLC) and before DOL approves a TLC. Petitioners must provide the ETA case number issued by DOL with the initial filing. This allows USCIS to immediately begin processing electronically filed petitions with unnamed beneficiaries and gives petitioners the flexibility to file with USCIS sooner. USCIS will not approve any petitions until after DOL has approved the corresponding TLC.

The TLC serves as DHS’s consultation with the DOL regarding whether an able, willing, and qualified U.S. worker is available to fill the petitioning H-2A employer’s job opportunity and whether an alien worker’s employment in the job opportunity will adversely affect the wages or working conditions of similarly employed U.S. workers.

The newly developed streamlined version of Form I-129, called Form I-129H2A, Petition for a Nonimmigrant Worker: H-2A Classification, can only be filed online by uploading the completed PDF in a [USCIS online account](#). USCIS will reject any paper filed Form I-129H2A petitions. At this time, we are only accepting Form I-129H2A for petitioners seeking unnamed beneficiaries filing without Form G-28. In the coming weeks, we will expand availability of Form I-129H2A to H-2A petitioners seeking named beneficiaries or filing with Form G-28. For petitioners who prefer to file their H-2A petition by paper, there is no change, and they must continue to use Form I-129, Petition for Nonimmigrant Worker. The procedural change in this rule does not apply to H-2A petitions with named beneficiaries or to H-2A petitioners who file by paper. These petitioners must continue to submit petitions to USCIS only after DOL approves the TLC application.



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