

Amendments to H-2A Applications

Question: Can I amend the period of employment or change the number of workers on my H-2A application before it is certified?

Answer: Yes, the employer may request amendments to either the period of employment or change the number of workers before a certification decision is issued by the Chicago National Processing Center (NPC).

- Submit a written amendment request directly to the Chicago NPC.

The employer may e-mail the request directly to the Chicago NPC using the address: h2a.amend&extend.chicago@dol.gov, with the words “H-2A Amendment Request” contained in the subject line of the e-mail.

Employers without internet access may send a written request by facsimile to (312) 886-1688 (ATTN: H-2A Amendment Request) or by U.S. mail to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
536 South Clark Street, 9th floor
Chicago, Illinois 60605–1509
ATTN: H-2A Amendment Request

- If you are requesting a change in the period of employment or an increase in the number of workers by more than 20% (more than 50% if you originally requested less than 10 workers), attach to the amendment request a statement and any other documentation (e.g., state/local weather reports, crop yield data) demonstrating how the need for the change in the period of employment or workers requested could not have been foreseen, and a description of how the crops or commodities will be in jeopardy if approval is not granted immediately.
- The employer will receive a courtesy notification from the Chicago NPC acknowledging receipt of the amendment request within 48 hours and providing a date on which a decision will be made on the request or stating whether additional information is needed from the employer.

Important Reminders:

1. The Chicago NPC may require additional recruitment for U.S. workers as a condition of approving your amendment request, particularly in circumstances

where the request will increase in the number of workers by more than 20% or more than 50% if you originally requested less than 10 workers.

2. If you are requesting a delay in the expected start date of work, please remember to include in your written notification to the Chicago NPC a statement indicating whether any U.S. workers have already departed for your place of work and, if so, an assurance that all workers who are already traveling will be provided housing and meals, without cost to the workers, until work begins.

Question: Can I request a delay in the start date of work on my H-2A application after it is certified?

Answer: Yes, the employer may request a minor delay in the start date of work after a certification decision is issued by the Chicago National Processing Center (NPC).

- Submit a written amendment request directly to the Chicago NPC.

The employer may e-mail the request directly to the Chicago NPC using the address: h2a.amend&extend.chicago@dol.gov, with the words “H-2A Start Date Amendment Request” contained in the subject line of the e-mail.

Employers without internet access may send a written request by facsimile to (312) 886-1688 (ATTN: H-2A Start Date Amendment Request) or by U.S. mail to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
536 South Clark Street, 9th floor
Chicago, Illinois 60605–1509
ATTN: H-2A Start Date Amendment Request

- Attach to the amendment request a statement and any other documentation (e.g., state/local weather reports, crop yield data) demonstrating how the need for the delay in the start date of work could not have been foreseen, and a description of how the crops or commodities will be in jeopardy if approval is not granted immediately.
- The employer will receive a courtesy notification from the Chicago NPC acknowledging receipt of the amendment request within 48 hours and providing a date on which a decision will be made on the request or stating whether additional information is needed from the employer.

Important Reminder: Include in your written notification to the Chicago NPC a statement indicating whether U.S. and/or H-2A workers have already departed for your

place of work and, if so, an assurance that all workers who are already traveling will be provided housing and meals, without cost to the workers, until work begins.

Post-Certification Changes to the End Date of Work on H-2A Applications

Question: Can I extend the end date of work on my certified H-2A application?

Answer: Yes, the employer may request either a short-term or long-term extension to the end date of work on a certified H-2A application.

Short-term extension requests:

- Employer needs to extend the end date of work for two (2) weeks or less;
- **DO NOT** submit an extension request to the Chicago National Processing Center (NPC);
- Submit an extension request directly to the Department of Homeland Security's United States Citizenship and Immigration Services (USCIS) for approval. To obtain information on how to submit a short-term extension request to the USCIS, please visit www.uscis.gov.

Important Reminder: When USCIS approves a short-term extension, the certified H-2A application will automatically be extended and the employer does not need to notify the Chicago NPC.

Long-term extension requests:

- Employer needs to extend the end date of work for more than two (2) weeks;
- Submit an extension request and all supporting documentation directly to the Chicago NPC;

To make requesting an extension simple and fast, the employer may e-mail the request directly to the Chicago NPC using h2a.amend&extend.chicago@dol.gov with the words "H-2A Extension Request" contained in the subject line of the e-mail.

Employers without internet access may also send written requests by facsimile to (312) 886-1688 (ATTN: H-2A Extension Request) or by U.S. mail to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
536 South Clark Street, 9th floor
Chicago, Illinois 60605-1509

ATTN: H-2A Extension Request

- Attach to the extension request a statement and any other documentation (e.g., weather reports, crop yield data) demonstrating how the need for the long-term extension is related to weather conditions or other factors beyond the control of the employer that could not have been reasonably foreseen, which may include changes in market conditions.
- The employer will receive a courtesy notification from the Chicago NPC acknowledging receipt of the extension request within 48 hours and a date on which a decision will be made on the request or whether additional information is needed from the employer.

Important Reminder: Except in extraordinary circumstances, the Chicago NPC will not approve an extension request where the new certified period of employment will be 12 months or more.

DON'T FORGET! Where the employer receives approval for either a short-term or long-term extension, it must provide to all workers a copy of the approved extension to the period of work as soon as practical.

Post-Certification Notification to Department Regarding Workers Who Have Abandoned or Have Been Terminated from the Position

Question: What happens if a worker abandons or is terminated for cause from the job?

Answer: The employer must provide the Chicago National Processing Center (NPC) with written notification when any worker voluntarily abandons or is terminated for cause from the job before the end of the certified work period. A worker who fails to report for work at the regularly scheduled time for five (5) consecutive working days, without the employer's consent, is considered to have abandoned the job.

- Submit the written notification directly to the Chicago NPC within two (2) working days of the abandonment or termination from the job;

To make compliance with this requirement simple and fast, the employer may e-mail the notification directly to the Chicago NPC using h2a.abandonment&termination.chicago@dol.gov with the words "H-2A Abandonment/Termination Notice" contained in the subject line of the e-mail.

Employers without internet access may also send written notification by facsimile to (312) 886-1688 (ATTN: H-2A Abandonment and Termination) or by U.S. mail to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
536 South Clark Street, 9th floor
Chicago, Illinois 60605-1509.
ATTN: H-2A Abandonment and Termination

To ensure prompt and effective processing, please make sure the signed notification includes the following information:

- ✓ Case number(s) on the H-2A certification(s);
- ✓ Employer's name, address, telephone number, and Federal Employer Identification Number (FEIN);
- ✓ Number of U.S. worker(s) and H-2A worker(s) who abandoned or was/were terminated from the job;
- ✓ Name of each worker and last known physical address (other than employer-provided housing);
- ✓ Date of abandonment or termination; and
- ✓ Reason(s) for notification (for example, explain that the worker was either an "absconder" or "termination for cause") or late notification, if applicable.

- The employer will receive a courtesy notification from the Chicago NPC acknowledging receipt of the written notification within 48 hours and an indication as to whether additional information is needed from the employer.

DON'T FORGET! If the worker who abandons or is terminated from the job is in H-2A visa status, the employer must also notify the Department of Homeland Security's United States Citizenship and Immigration Services (USCIS) within 2 working days. To obtain information on how to submit notifications to the USCIS, please visit www.uscis.gov.