

1. Name of person or organization filing petition:

2. Name of person or total number of workers or trainees you are filing for:

3. List each alien's prior periods of stay in H or L classification in the United States for the last six years (aliens requesting H-2A or H-2B classification need only list the last three years). Be sure to only list those periods in which each alien was actually in the United States in an H or L classification. Do not include periods in which the alien was in a dependent status, for example, H-4 or L-2 status.

**NOTE:** Submit photocopies of Forms I-94, I-797, and/or other USCIS issued documents noting these periods of stay in the H or L classification. If more space is needed, attach an additional sheet.

Subject's Name	Period of Stay (mm/dd/yyyy)	
	From	To

4. Classification sought (*Check one*):

H-1B1 Specialty occupation

H-1B2 Exceptional services relating to a cooperative research and development project administered by the U.S. Department of Defense (DOD)

H-1B3 Fashion model of national or international acclaim

H-2A Agricultural worker

H-2B Non-agricultural worker

H-3 Trainee

H-3 Special education exchange visitor program

**Section 1. Complete this section if filing for H-1B classification**

1. Describe the proposed duties

2. Alien's present occupation and summary of prior work experience



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**Section 1. Complete this section if filing for H-1B classification (Continued)**

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**Statement for H-1B specialty occupations only:**

By filing this petition, I agree to the terms of the labor condition application for the duration of the alien's authorized period of stay for H-1B employment.

**Petitioner's Signature****Print or Type Name****Date (mm/dd/yyyy)**

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**Statement for H-1B specialty occupations and U.S. Department of Defense projects:**

As an authorized official of the employer, I certify that the employer will be liable for the reasonable costs of return transportation of the alien abroad if the alien is dismissed from employment by the employer before the end of the period of authorized stay.

**Signature of Authorized Official of Employer****Print or Type Name****Date (mm/dd/yyyy)**

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**Statement for H-1B U.S. Department of Defense projects only:**

I certify that the alien will be working on a cooperative research and development project or a co-production project under a reciprocal government-to-government agreement administered by the U.S. Department of Defense.

**DOD Project Manager's Signature****Print or Type Name****Date (mm/dd/yyyy)**

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**Section 2. Complete this section if filing for H-2A or H-2B classification**

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**1. Employment is: (Check one)****2. Temporary need is: (Check one)**

- a.  Seasonal      c.  Intermittent  
b.  Peak Load      d.  One-time occurrence

- a.  Unpredictable      c.  Recurrent annually  
b.  Periodic

**3. Explain your temporary need for the alien's services (attach a separate sheet if additional space is needed.)**

**Section 2. Complete this section if filing for H-2A or H-2B classification (Continued)**

4. List the country(ies) of citizenship of the H-2A/H-2B worker(s) you plan to hire.

Name of country(ies):

5. If the H-2A or H-2B workers you plan to hire are not from a country that has been designated as a participating country in accordance with 8 CFR 214.2(h)(5)(i)(F)(1) or 214.2(h)(6)(i)(E)(1), you must provide all the information requested below. See [www.uscis.gov](http://www.uscis.gov) website for the list of participating countries. (Attach a separate sheet if additional space is needed)

Family Name (Last Name):

Given Name (First Name):

Full Middle Name:

Date of Birth (mm/dd/yyyy)

All Other Names Used:

Country of Birth:

Country of Citizenship:

6. a. Have any of the workers listed in Number 5 above ever been admitted to the United States previously in H-2A/H-2B status?  Yes  No

Visa Classification (H-2A or H-2B):

b. If you answered question 6 a. "Yes," did they comply with the terms of their status?  Yes  No

If you answered question 6 b. "Yes," attach evidence of the workers' compliance.

c. If the H-2A or H-2B worker(s) you plan to hire are from a country not on the list of eligible countries, and you want the petition to be considered for approval, you must also provide evidence that: (1) a worker with the required skills is not available from a country on the list of eligible countries; (2) there is no potential for abuse, fraud, or other harm to the integrity of the H-2A/H-2B visa program through the potential admission of these worker(s) that you plan to hire; and (3) there are other factors that would serve the U.S. interest (if any).

7. Did you or do you plan to use a staffing, recruiting, or similar placement service or agent to locate the H-2A/H-2B workers that you intend to hire by filing this petition?  Yes  No

If "Yes," list the name and address of service used.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

8. Did any of the H-2A/H-2B workers that you have located or plan to hire pay you, the above service, or any service or agent, any form of compensation as a condition of the employment or do they have an agreement to pay you or the service at a later date? (Do not include reasonable travel expenses, government visa fees, or other reasonable fees for which the worker is responsible.) See 8 CFR 214.2(h)(5)(xi)(A) or 214.2(h)(6)(i)(B).  Yes  No



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**Section 2. Complete this section if filing for H-2A or H-2B classification (Continued)**

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If the workers paid a fee, have they been reimbursed for such fees or compensation, or if the workers had an agreement to pay a fee that has not been paid, has that agreement been terminated before being paid by the workers?

Yes  No

(Attach evidence of termination or reimbursement to this petition.)

9. Have you ever had an H-2A/H-2B petition denied or revoked because an employee paid a job placement fee or other similar compensation as a condition of the job offer?

Yes  No

If "Yes,"

When? \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Was the worker(s) reimbursed for such fees or compensation?

Yes  No

(Attach evidence of reimbursement.)

If you answered "No" because of failure to locate the worker, attach evidence of the efforts to locate the worker.

10. If you are an H-2A petitioner, are you a participant in the E-Verify program?

Yes  No

If "Yes," E-Verify Company ID or Client Company ID: \_\_\_\_\_

The H-2A/H-2B petitioner and each employer consent to allow government access to the site where the labor is being performed for the purpose of determining compliance with H-2A/H-2B requirements. The petitioner further agrees to notify DHS beginning on a date and in a manner specified in a notice published in the Federal Register within 2 workdays if: an H-2A/H-2B worker fails to report for work within 5 workdays after the employment start date stated on the petition or, applicable to H-2A petitioners only, within 5 workdays of the start date established by the petitioner, whichever is later; the agricultural labor or services for which H-2A/H-2B workers were hired is completed more than 30 days early; or the H-2A/H-2B worker absconds from the worksite or is terminated prior to the completion of agricultural labor or services for which he or she was hired. The petitioner agrees to retain evidence of such notification and make it available for inspection by DHS officers for a one-year period. "Workday" means the period between the time on any particular day when such employee commences his or her principal activity and the time on that day at which he or she ceases such principle activity or activities.

**For H-2A petitioners only:** The petitioner agrees to pay \$10 in liquidated damages for each instance where it cannot demonstrate it is in compliance with the notification requirement.

The petitioner must execute **Part A**. If the petitioner is the employer's agent, the employer must execute **Part B**. If there are joint employers, they must each execute **Part C**.

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**Part A. Petitioner:**

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By filing this petition, I agree to the conditions of H-2A/H-2B employment and agree to the notification requirements. For H-2A petitioners: I also agree to the liquidated damages requirements defined in 8 CFR 214.2(h)(5)(vi)(B)(3).

**Petitioner's Signature**

**Print or Type Name**

**Date (mm/dd/yyyy)**



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**Part B. Employer who is not the petitioner:**

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I certify that I have authorized the party filing this petition to act as my agent in this regard. I assume full responsibility for all representations made by this agent on my behalf and agree to the conditions of H-2A/H-2B eligibility.

**Employer's Signature**

**Print or Type Name**

**Date (mm/dd/yyyy)**

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**Part C. Joint Employers:**

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I agree to the conditions of H-2A eligibility.

**Joint Employer's Signature(s)**

**Print or Type Name**

**Date (mm/dd/yyyy)**

**Joint Employer's Signature(s)**

**Print or Type Name**

**Date (mm/dd/yyyy)**

**Joint Employer's Signature(s)**

**Print or Type Name**

**Date (mm/dd/yyyy)**

**Joint Employer's Signature(s)**

**Print or Type Name**

**Date (mm/dd/yyyy)**

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**Section 3. Complete this section if filing for H-3 classification**

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1. If you answer "yes" to any of the following questions, attach a full explanation.

- a. Is the training you intend to provide, or similar training, available in the alien's country?  No  Yes
- b. Will the training benefit the alien in pursuing a career abroad?  No  Yes
- c. Does the training involve productive employment incidental to training?  No  Yes
- d. Does the alien already have skills related to the training?  No  Yes
- e. Is this training an effort to overcome a labor shortage?  No  Yes
- f. Do you intend to employ the alien abroad at the end of this training?  No  Yes

2. If you do not intend to employ this person abroad at the end of this training, explain why you wish to incur the cost of providing this training and your expected return from this training.

