



USCIS Update

March 28, 2008

USCIS EXTENDS COMMENT PERIOD FOR PROPOSED CHANGE TO H-2A PROGRAM

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it is extending the public comment period until April 14, 2008 for a [proposed rule](#) that would encourage and facilitate the lawful employment of H-2A foreign temporary agricultural workers. The notice extending the comment period will be published in the March 31, 2008 *Federal Register*.

The H-2A nonimmigrant classification applies to alien workers seeking to perform agricultural labor or services of a temporary or seasonal nature in the United States on a temporary basis. Among other things, the new rule would:

- Extend from 10 to 30 days the time a temporary agricultural worker may remain in the United States following the expiration of the H-2A petition;
- Reduce from six months to three months the time an H-2A worker must wait outside the United States before they are eligible to re-obtain H-2A status;
- Allow H-2A workers who are changing from one H-2A employer to another to begin work with the new petitioning employer upon the filing of a new H-2A petition, provided the new employer participates in USCIS' [E-Verify](#) program;
- Require an employer attestation regarding the scope of the H-2A employment and the use of recruiters to locate H-2A workers;
- Crack down on employers and recruiters who impose fees on prospective H-2A workers;
- Require an approved temporary labor certification in connection with all H-2A petitions;
- Prohibit the approval of H-2A petitions for nationals of countries determined to be consistently refusing or unreasonably delaying repatriation of their nationals; and
- Establish a land-border exit system pilot program, which ensures that foreign workers admitted through a port of entry participating in the H-2A program must depart through a similar port that also participates in the program.

These are merely proposals for public consideration and comment. Existing H-2A regulations and policies remain in force until further notice.

More information about the H-2A program is available at www.uscis.gov or by calling the USCIS National Customer Service Center at 1-800-375-5283.