

H-2A Employer Compliance Checklist for U.S. Farmers

PRE-APPLICATION

- ■ Confirm seasonal/temporary need
- ■ Determine number of workers needed
- ■ Secure compliant housing
- ■ Verify workers' compensation insurance
- ■ Confirm transportation plan

JOB ORDER & DOL FILING

- ■ Submit ETA-790A to SWA
- ■ Submit ETA-9142A to DOL
- ■ Post required advertisements
- ■ Interview U.S. applicants
- ■ Complete recruitment report

USCIS PETITION

- ■ File Form I-129
- ■ Attach approved DOL certification
- ■ Pay USCIS filing fees
- ■ Receive I-797 approval

VISA STAGE (Worker Side)

- ■ Workers complete DS-160
- ■ Schedule visa interviews
- ■ Prepare passport & documents
- ■ Visa approval received

DURING EMPLOYMENT

- ■ Pay AEW or higher
- ■ Provide free housing
- ■ Provide daily transportation
- ■ Reimburse inbound travel at 50% contract
- ■ Maintain payroll records
- ■ Meet 3/4 hour guarantee

END OF CONTRACT

- ■ Pay outbound transportation
- ■ Final wage settlement
- ■ Maintain records for 3 years