



U.S. Citizenship  
and Immigration  
Services

HQ 70/6.2.8

## Interoffice Memorandum

To: FIELD LEADERSHIP

From: Donald Neufeld /s/  
Acting Deputy Associate Director  
Domestic Operations

Date: October 19, 2007

Re: Updated Procedures for H-2A (agricultural worker) I-129 Petitions

### 1. Purpose

This memorandum provides United States Citizenship and Immigration Services (USCIS) Service Center personnel and officers with instructions to timely process and adjudicate Form I-129 petitions filed for H-2A classification. This memo is consistent with USCIS's goal to make the H-2A petition process simpler and more efficient.

### 2. Background

On August 10, 2007 Secretary of Homeland Security Michael Chertoff announced a series of reforms to include reforming the H-2A temporary agricultural worker program. As part of the reform process, USCIS is instituting changes which will provide agricultural employers with an orderly and timely flow of legal workers while protecting laborers' rights.

### 3. Use

This memorandum is intended solely for the guidance of USCIS personnel in performing their duties relative to adjudications. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

### 4. Contact Information

Questions related to this memorandum should be directed to Hiroko Witherow, USCIS Headquarters Office of Service Center Operations, through appropriate supervisory channels.

## 5. Field Guidance

- Effective October 17, 2007, petitioners are encouraged to send all H-2A petitions to the following designated address (whichever applies) set up at the **California Service Center**. (This change will become mandatory once USCIS publishes a notice in the *Federal Register*.)

For Direct Mail:

**U. S. Citizenship and Immigration Services  
California Service Center  
ATTN: H-2A Processing Unit  
P.O. BOX 10140  
Laguna Niguel, CA 92607-1040**

For non-United States Postal Service (USPS) deliveries (e.g. private couriers):

**U. S. Citizenship and Immigration Services  
California Service Center  
ATTN: H-2A Processing Unit  
24000 Avila Rd Rm 2312  
Laguna Niguel, CA 92677**

- Personnel in the Service Center mail room are instructed to fee receipt, data enter, and route H-2A petitions for immediate distribution.
- H-2A petitions are to be distributed to adjudication officers no later than the third day after receipt.
- Adjudications officers are reminded to adjudicate unnamed beneficiaries' H-2A petitions on the day the cases are assigned to them.
- California Service Center will either fax or overnight mail approved petitions to the Kentucky Consular Center (KCC) for consular processing abroad.
- Once an H-2A approval notice is generated and printed, it should be sent to petitioners within 24 hours of the decision. Service Center personnel are reminded to use a pre-paid mailer whenever it is included.
- If other Service Centers receive an H-2A petition, they should forward it to California Service Center immediately. In the near future, USCIS will post special filing instructions to Form I-129 requiring all H-2A petitions to be filed at the CSC.

- Finally, USCIS will be increasing customer outreach efforts for users of the H-2A program. USCIS plans to hold annual public meetings to address questions, concerns and suggestions for H-2A process improvements.

Distribution:      Regional Directors  
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