



**U.S. Citizenship
and Immigration
Services**

USCIS Reminds Petitioners of H-2A Shepherders That the One-Time Accommodation Ends in August 2012

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) reminds workers in the shepherding industry that the one-time accommodation giving them more time to fully transition to the three-year limitation of stay requirements for the H-2A nonimmigrant classification is scheduled to expire. Shepherders in H-2A status who have reached their maximum three-year period of stay on or before August 16, 2012 must depart the United States no later than Aug. 16, 2012. These workers must then remain outside the United States for at least three months, and may not return in H-2A classification until a new H-2A petition has been approved on their behalf.

The agency announced the limitation of stay requirements under its final rule that became effective on Jan. 17, 2009. USCIS granted a one-time accommodation for shepherders in H-2A status in December 2009 in deference to the industry's prior exemption from the three-year limitation. The accommodation was subsequently extended until Aug. 16, 2012. The exemption did not apply to other H-2A occupations.

All H-2A nonimmigrant workers – including shepherders – are subject to a three-month departure requirement once they have been in the United States in H-2A status for the maximum three-year period, taking into account any periods of interrupted stay. (See "[Calculating Interrupted Stays for the H-2 Classifications](#).”) For example, H-2A shepherders who were present in the United States on Aug. 17, 2009, and have not left since that date, must depart the United States by Aug. 16, 2012. These workers must remain outside the United States for at least three months before being granted H-2A classification again.

The H-2A program allows U.S. employers to bring foreign nationals to the United States to fill temporary agricultural jobs. USCIS published a final rule affecting the program on Jan. 17, 2009, which removed certain limitations on H-2A employers. The rule also adopted streamlining measures to encourage and facilitate lawful employment of foreign temporary and seasonal agricultural workers.

For more information on the H-2A visa program and current processing times for Form I-129, Petition for a Nonimmigrant Worker, visit www.uscis.gov or call the National Customer Service Center at 800-375-5283.

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