



## Referrals/Applicants to H-2A Job Orders: Contacting Former U.S. Workers

The New York State Department of Labor has created this form as a service to help agricultural employers properly document their contact with former U.S. workers. Agricultural employers are **not required** to use this form.

**Important note:** H-2A employers are required to contact, by mail or other effective means, any former U.S. workers from the previous year and solicit their return to the job. You do not need to contact former U.S. workers who were previously employed and either were terminated for cause or abandoned the worksite. Federal H-2A regulations (20 CFR 655.103(b)) define a U.S. worker as any of the following:

1. A citizen or national of the U.S.; or
2. An alien who is lawfully admitted for permanent residence in the U.S., is admitted as a refugee, is granted asylum, or is an immigrant otherwise authorized to be employed in the U.S.; or
3. An individual who is not an unauthorized alien with respect to the employment in which the worker is engaging.

You may use the table below to properly document your contact with former U.S. employees. This form should be kept in your records along with your recruitment report.

Name of Former U.S. Worker	How Contact Was Made: (Phone, Email, Mail, In Person-include contact information)	Date(s) Contacted	Rehired? Yes / No	Comments