

Office of Partnership and Engagement

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

August 5, 2025

Michael Marsh
President and CEO
National Council of Agriculture Employers
1550 Wilson Boulevard, Suite 700
Arlington, VA 22209

Dear Mr. Marsh:

Thank you for your June 18, 2025 letter to U.S. Immigration and Customs Enforcement (ICE) regarding the compliance of H-2A visa holders with 8 U.S.C. § 1304(e).

We appreciate your concerns about the practical challenges faced by H-2A workers in carrying their paper I-94 documents at all times, especially given the nature of their work and the relevant U.S. Department of Agriculture food safety regulations.

ICE officers and agents treat an electronic copy of evidence of registration as satisfying the alien's obligation to keep the evidence of registration on his or her person. Similarly, ICE officers and agents are to treat an electronic Form I-94 as satisfying an alien's obligation to carry evidence of registration. If an alien does not have a copy of the registration document on his or her person but it is readily accessible (e.g., the alien is at work and the registration document is in the alien's car), ICE officers and agents are to treat this as constructive possession and consider the alien to have satisfied his or her obligation to keep the registration form on his or her person.

We appreciate your efforts to ensure compliance and your willingness to work with agricultural employers to secure original paper copies while making electronic copies available to workers. This approach aligns with the guidance provided to ICE field offices and will facilitate compliance with section 1304(e).

Thank you again for your letter. Should you wish to discuss this matter further, please do not hesitate to contact the ICE Office of Partnership and Engagement via email at ICEOPE@ICE.DHS.gov.

Sincerely,

A handwritten signature in blue ink that reads "Tyeshia Miller-Williams".

Tyeshia Miller-Williams
Acting Assistant Director
Office of Partnership and Engagement