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# Cap Count for H-2B Nonimmigrants

## The H-2B Program

The H-2B non-agricultural temporary worker program allows U.S. employers to bring foreign nationals to the United States to fill temporary non-agricultural jobs.
For more information about the H-2B program, see the link to the left under "H-2B Non-Agricultural Workers."

## What is the H-2B Cap?

There is a statutory numerical limit, or "cap," on the total number aliens who may be issued a visa or otherwise provided H-2B status (including through a change of status) during a fiscal year. Currently, the H-2B cap set by Congress is 66,000 per fiscal year, with 33,000 to be allocated for employment beginning in the 1st half of the fiscal year (October 1 - March 31) and 33,000 to be allocated for employment beginning in the 2nd half of the fiscal year (April 1 - September 30). Any unused numbers from the first half of the fiscal year will be made available for use by employers seeking to hire H-2B workers during the second half of the fiscal year. There is no "carry over" of unused H-2B numbers from one fiscal year to the next.

**Persons who are exempt from the H-2B cap**

Generally, an H-2B worker who extends his/her stay in H-2B status will not be counted again against the H-2B cap. Similarly, the spouse and children of H-2B workers classified as H-4 nonimmigrants are not counted against this cap. Additionally petitions for the following types of workers are exempt the H-2B cap

- Fish roe processors, fish roe technicians and/or supervisors of fish roe processing
- From November 28, 2009 until December 31, 2014, workers performing labor or services in the Commonwealth of Northern Mariana Islands (CNMI) and/or Guam.

Once the H-2B cap is reached, USCIS may only accept petitions for H-2B workers who are exempt from the H-2B cap.

## Fiscal Years 2012 and 2013 H-2B Cap Count

As USCIS receives H-2B petitions for fiscal years 2012 and 2013, the below chart will be regularly updated

| Cap Type | Cap Amount | Beneficiaries Approved | Beneficiaries Pending | Target Beneficiaries | Total | Date of Last Count |
|---|---|---|---|---|---|---|
| H-2B: 2nd Half FY 2012 | 33,000 | 28,159 | 1,096 | 51,000 | 29,255 | 9/28/2012 |
| H-2B: 1st Half FY 2013 | 33,000[2] | 7,916 | 1,063 | 0 | 8,979 | 11/02/2012 |

[1] Refers to the estimated number of beneficiaries needed to be included on petitions filed with USCIS to reach the H-2B cap, with an allowance for withdrawals, denials and revocations. This number will always be higher than the actual cap.

[2] As noted, if the cap is not reached for the 1st half of the fiscal year, those numbers will be made available for use during the 2nd half of the fiscal year. In some fiscal years, therefore, depending on demand for H-2B workers, more than 33,000 cap-subject persons may be granted H-2B status during the 2nd half of the fiscal year.

This page can be found at http://www.uscis.gov/h-2b_count

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**More Information**

- Calculating Interrupted Stays for the H-2 Classifications
- USCIS Announces 58 Countries Whose Nationals are Eligible for H-2A and H-2B Participation
- Reminder: Certain Fees May Not Be Collected From H-2A and H-2B Workers

**Forms**

- I-129, Petition for a Nonimmigrant Worker
- Employment Based Forms
- Premium Processing

**Other USCIS Links**

- VIBE Program
- TITLE 8 CODE OF FEDERAL REGULATIONS (8 CFR)
- Public Releases: Visas: H-2A and H-2B
- Numerical Limitation Exemption for H Nonimmigrants Employed in the CNMI and Guam ( PDF)

**Non-USCIS Links**

- U.S. Department of Labor: Foreign Labor Certification
- Department of State: Visa Bulletin
- Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H-2A and H-2B Visa Programs

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