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 Year 2014 H-2B Cap Count

On March 14, 2014, USCIS received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the first half of Fiscal Year (FY) 2014. March 14, 2014 is the final receipt date for new H-2B worker petitions requesting an employment start date before April 1, 2014. The final receipt date is when we have received enough cap-subject petitions to reach the limit of 33,000 H-2B workers for the first half of FY 2014. This means that there are no longer any spots available from the first half of FY 2014 to carry over to the second half of FY 2014.

Cap Type	Cap Amount	Beneficiaries Approved	Beneficiaries Pending	Target Beneficiaries[1]	Total	Date of Last Count
H-2B: 1st Half FY 2014	33,000	On March 14, 2014, the cap for the 1st half of FY 2014 was reached.				3/14/2014
H-2B: 2nd Half FY 2014	33,000[2]	17,382	3,207		20,589	4/11/2014

[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.

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[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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