Press Office
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U.S. Citizenship and Immigration Services

Press Release

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Contact: USCIS Public Affairs
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USCIS REACHES H-2B CAP FOR SECOND HALF OF FISCAL YEAR 2006

Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the final six months of Fiscal Year 2006 (FY 2006). USCIS is hereby notifying the public that April 4, 2006 is the "final receipt date" for new H-2B worker petitions requesting employment start dates prior to October 1, 2006. The "final receipt date" is the date on which USCIS determines that it has received enough cap-subject petitions to reach the limit of 33,000 H-2B workers for the second half of FY 2006.

USCIS will apply a computer-generated random selection process to all petitions, which are subject to the cap and were received on April 4, 2006. This process will select the number of petitions needed to meet the cap. USCIS will reject all cap-subject petitions not randomly selected. USCIS will also reject petitions for new H-2B workers seeking employment start dates prior to October 1, 2006 that arrive after April 4, 2006.

Petitions for both current and returning H-2B workers do not count towards the congressionally mandated bi-annual H-2B cap. "Returning workers" are exempt from H-2B cap limitations. In order to qualify, the worker must have counted against the H-2B numerical cap between October 1, 2002 and September 30, 2005. Any worker not certified as a "returning worker" is subject to the numerical limitations for the relevant fiscal year. Petitions received after the "final receipt date" which contain a combination of "returning workers" and workers subject to the H-2B cap will be rejected with respect to non-returning workers, and petitioning employers will receive partial approvals for those aliens who qualify as "returning workers" if otherwise approvable.

USCIS will continue to process petitions filed to:

- Extend the stay of a current H-2B worker in the United States;
- Change the terms of employment for current H-2B workers and extend their stay;
- Allow current H-2B workers to change or add employers and extend their stay; or
- Request eligible H-2B "returning workers."

More information about the H-2B work program is available at www.uscis.gov or by calling the National Customer Service Center at 1-800-375-5283.

– USCIS –

On March 1, 2003, U.S Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.