



## U.S. Citizenship and Immigration Services

### 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 "H-2B Non-Agricultural Workers."

#### What is the H-2B Cap?

There is a statutory numerical limit, or "cap," on the total number of foreign nationals who may be issued an H-2B visa or otherwise granted H-2B status during a fiscal year. Currently, Congress has set the H-2B cap at 66,000 per fiscal year, with 33,000 for workers who begin employment in the 1st half of the fiscal year (October 1 - March 31) and 33,000 for workers who begin employment 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 available for employers seeking to hire H-2B workers during the second half of the fiscal year. However, unused H-2B numbers from one fiscal year do not carry over into the next.

#### Workers who are exempt from the H-2B cap

Petitions for the following workers are exempt from the H-2B cap:

- H-2B workers in the United States or abroad who have been previously counted towards the cap in the same fiscal year;
- Current H-2B workers seeking an extension of stay;
- Current H-2B workers seeking a change of employer or terms of employment;
- Fish roe processors, fish roe technicians and/or supervisors of fish roe processing; and
- H-2B workers performing labor or services from November 28, 2009, until December 31, 2019, in the Commonwealth of Northern Mariana Islands and/or Guam.

Additionally, the spouse and children of H-2B workers classified as H-4 nonimmigrants are not counted against this cap.

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

#### Fiscal Year 2015 H-2B Cap

USCIS has reached the congressionally mandated H-2B cap for fiscal year (FY) 2015. March 26, 2015 was the final receipt date for cap-subject H-2B worker petitions requesting an employment start date before October 1, 2015. The final receipt date is the date USCIS received enough cap-subject petitions to reach the annual limit of 66,000 H-2B workers for FY 2015.

Cap Type	Cap Amount	Beneficiaries Approved	Beneficiaries Pending	Target Beneficiaries <sup>1</sup>	Total	Date of Last Count
H-2B: 1 <sup>st</sup> Half FY 2015	33,000		On Jan. 26, 2015, the cap for the 1 <sup>st</sup> half of FY 2015 was reached.			1/26//2015
H-2B: 2 <sup>nd</sup> Half FY 2015	33,000 <sup>2</sup>		On March 26, 2015, the annual cap for FY 2015 was reached.			3/26/2015

<sup>1</sup> 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.

<sup>2</sup> If the cap is not reached for the 1st half of the fiscal year, those unused numbers will be available for use during the 2nd half of the fiscal year. In some fiscal years, 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](http://www.uscis.gov/h-2b_count)