



## 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 (FY). Currently, Congress has set the H-2B cap at 66,000 per fiscal year, with 33,000 for workers who begin employment in the first half of the fiscal year (October 1 - March 31) and 33,000 for workers who begin employment in the second 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

Generally, workers in the United States in H-2B status who extend their stay, change employers, or change the terms and conditions of employment will not be subject to the cap. The spouse and children of H-2B workers classified as H-4 nonimmigrants are also not counted against this cap.

Additionally, petitions for the following types of workers are exempt from the H-2B cap:

- Fish roe processors, fish roe technicians and/or supervisors of fish roe processing;
- Workers performing labor or services in the Commonwealth of Northern Mariana Islands and/or Guam from November 28, 2009 until December 31, 2019.
- For FY 2016 only, workers identified as "returning workers" who were previously counted against the annual H-2B cap during FYs 2013, 2014, or 2015.

Once the H-2B cap is reached, USCIS may only accept petitions for H-2B workers who are exempt or not subject to the H-2B cap.

#### Fiscal Year 2016 H-2B Cap Counts

The H-2B cap for FY 2016 is now open. As USCIS receives H-2B petitions for FY 2016, we will regularly update the chart below.

| Cap Type                              | Cap Amount          | Beneficiaries Approved | Beneficiaries Pending | Total Beneficiaries <sup>1</sup> | Date of Last Count |
|---------------------------------------|---------------------|------------------------|-----------------------|----------------------------------|--------------------|
| H-2B: 1 <sup>st</sup> Half of FY 2016 | 33,000              | 26,384                 | 10,304                | 36,688                           | 02/22/2016         |
| H-2B: 2 <sup>nd</sup> Half of FY 2016 | 33,000 <sup>2</sup> |                        | 334                   | 334                              | 02/22/2016         |

<sup>1</sup> Refers to the total number of beneficiaries for approved or pending petitions filed with USCIS that could potentially be counted towards the H-2B cap. This number will ultimately exceed the actual cap to allow for withdrawals, denials, and approvals for which no visa is issued.

<sup>2</sup> If the cap is not reached for the 1st half of the fiscal year, USCIS will make those unused numbers available for use during the 2nd half of the fiscal year.

