



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 had been 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 Count

On March 21, 2016, USCIS announced that it has received a sufficient number of petitions to reach
AILA Doc. No. 15120215. (Posted 3/22/16)

the congressionally mandated H-2B cap for the first half of FY 2016. March 15, 2016 is the “final receipt date” for new cap-subject H-2B worker petitions requesting employment start dates before April 1, 2016. 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 first half of FY2016.

Cap Type	Cap Amount	Beneficiaries Approved	Beneficiaries Pending	Total Beneficiaries ¹	Date of Last Count
H-2B: 1 st Half of FY 2016	33,000			On March 15, 2016, the cap for the 1 st half of FY 2016 was reached.	03/15/2016
H-2B: 2 nd Half of FY 2016	33,000 ²				

¹ 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.

² 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.

Last Reviewed/Updated: 03/21/2016