



## 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 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

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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 <sup>1</sup>	Date of Last Count
H-2B: 1 <sup>st</sup> Half of FY 2016	33,000			On March 15, 2016, the cap for the 1 <sup>st</sup> half of FY 2016 was reached.	03/15/2016
H-2B: 2 <sup>nd</sup> Half of FY 2016	33,000 <sup>2</sup>	23,421	5,609	29,030	04/25/2016

<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.

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