



## 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 [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. Similarly, H-2B workers who have previously been counted against the cap in the same fiscal year that the proposed employment begins will not be subject to the cap if the employer names the workers on the petition and indicates that they have already been counted. 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 or supervisors of fish roe processing;
- Workers performing labor or services in the Commonwealth of Northern Mariana Islands or Guam from November 28, 2009, until December 31, 2019.

Note that the "returning worker" program expired on September 30, 2016. Persons who were designated by employers as potential returning workers, if they are otherwise subject to the cap, will be counted against the cap.

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 2017 H-2B Cap Count

On January 12, 2017, USCIS announced that it has received a sufficient number of petitions to reach the congressionally mandated cap of 33,000 H-2B workers for the first half of FY 2017. January 10, 2017 is the final receipt date for new cap-subject H-2B worker petitions requesting employment start dates before April 1, 2017. USCIS will reject new H-2B petitions received after the final receipt date that request an employment start date before April 1, 2017.

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Cap Type	Cap Amount	Beneficiaries Approved	Beneficiaries Pending	Total Beneficiaries <sup>1</sup>	Date of Last Count
H-2B: First Half of FY 2017	33,000			On Jan. 10, 2017, the cap for the 1st half of FY 2017 was reached.	01/10/2017
H-2B: Second Half of FY 2017	33,000 <sup>2</sup>	24,787	11,349	36,136	03/09/2017

<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 first half of the fiscal year, USCIS will make those unused numbers available for use during the second half of the fiscal year.

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