



U.S. Citizenship and Immigration Services

Cap Count for H-2B Nonimmigrants

[Versión en español](#)

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.

Reporting H-2B Fraud

To report that a participating employer may be abusing the H-2B program, please email us at ReportH2BAbuse@uscis.dhs.gov. Your email should include information identifying the H-2B petitioning employer and relevant information that leads you to believe that the H-2B petitioning employer is abusing the H-2B program.

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.

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 2018 H-2B Cap Count

On March 1, 2018, USCIS announced that it had received a sufficient number of petitions to reach the congressionally mandated H-2B cap for FY 2018. During the first five business days USCIS received approximately 2,700 H-2B cap-subject petitions requesting approximately 47,000 workers, which is more than the number of H-2B visas available. As a result, USCIS, in accordance with applicable regulations, conducted a lottery February 28 to randomly select enough petitions to meet the cap. USCIS will reject and return the petitions and associated filing fees to petitioners that were not selected, as well as any cap-subject petitions received after February 27.

Cap Type	Cap Amount	Beneficiaries Approved	Beneficiaries Pending	Total Beneficiaries ¹	Date of Last Count
H-2B: First Half of FY 2018	33,000			On 12/15/2017, the cap for the 1 st half of FY 2018 was reached.	12/19/2017
H-2B: Second Half of FY 2018	33,000 ²			On 2/27/2018, the cap for the 2 nd half of FY 2018 was reached	02/28/2018

¹ Refers to the total number of beneficiaries of approved or pending petitions filed with USCIS that could potentially be counted towards the H-2B cap. This number typically will 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 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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