



## U.S. Citizenship and Immigration Services

# Cap Count for H-2B Nonimmigrants

**ALERT:** USCIS is no longer accepting petitions filed under the [temporary final rule](#) that increased the numerical limit (cap) on H-2B nonimmigrant visas by up to 30,000 additional visas for returning workers through the end of fiscal year (FY) 2019. USCIS will reject and return any cap-subject petitions with FY 2019 start dates that were received after June 5, 2019 together with any accompanying filing fees.

USCIS continues to accept H-2B petitions with start dates for FY 2019 that are exempt from, or not counted towards the congressionally mandated cap. In addition, USCIS will consider petitions requesting an employment start date on or after Oct. 1, 2019 towards the FY 2020 cap. These petitions with employment start dates on or after Oct. 1, 2019 will be subject to all eligibility requirements for FY 2020 H-2B cap filings.

## 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 (Oct. 1 - March 31) and 33,000 for workers who begin employment in the second half of the fiscal year (April 1 - Sept. 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](mailto: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.

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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, 2029.

Once the H-2B cap is reached for a given fiscal year or half-year period, USCIS may only accept petitions seeking workers for that fiscal year or half-year period who are exempt or not subject to the H-2B cap.

### Fiscal Year 2020 H-2B Cap Count

USCIS is currently accepting petitions for employment start dates of October 1, 2019 through March 31, 2020. Such petitions will be subject to the first half of the FY 2020 H-2B cap. USCIS will regularly update the chart below as H-2B petitions for FY 2020 are received. Note that as of this time, Congress has not authorized a supplemental H-2B cap for FY 2020 or future fiscal years.

Cap Type	Cap Amount	Beneficiaries Approved	Beneficiaries Pending	Total Beneficiaries <sup>1</sup>	Date of Last Count
H-2B: First Half of FY 2020	33,000	18,188	2,331	20,519	10/10/2019
H-2B: Second Half of FY 2020	33,000 <sup>2</sup>				

<sup>1</sup> 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 will typically 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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