



## 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 aliens 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 aliens 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.

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

On Nov. 15, 2019, USCIS received a sufficient number of petitions to reach the congressionally mandated H-2B cap of 33,000 H-2B visas for the first half of FY 2020, making it the final receipt date for petitions

ALLA Doc. No. 19081933. (Posted 1/30/20)

requesting employment start dates before April 1, 2020.

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			On Nov. 15, 2019, USCIS reached the cap for the 1st half of FY 2020.	11/15/2019
H-2B: Second Half of FY 2020	33,000 <sup>2</sup>	183	4,045	4,228	01/30/2020

Note: The figures above are preliminary estimates and are only meant to give the public an approximate count of beneficiaries who would apply towards the cap for the fiscal year.

<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.

Last Reviewed/Updated: 01/30/2020