



U.S. Citizenship and Immigration Services

Cap Count for H-2B Nonimmigrants

The H-2B Program

The H-2B non-agricultural temporary worker program was created by Congress to allow 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?

Under the Immigration and Nationality Act, as amended (INA), 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. 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. Unused H-2B numbers from one fiscal year do not carry over into the next fiscal year.

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 also do not count 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 Nov. 28, 2009, until Dec. 31, 2029.

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 2020 H-2B Cap Count

On Feb. 18, 2020, USCIS received enough petitions to meet the congressionally mandated H-2B cap for the second half of FY 2020. Feb. 18, 2020, was the final receipt date for new cap-subject H-2B worker petitions requesting employment start dates before Oct. 1, 2020. The final receipt date is the date on which USCIS determines that it has received enough cap-subject petitions to reach the limit of H-2B workers for FY 2020. The number of beneficiaries for whom USCIS received petitions surpassed the total number of H-2B visas available for the H-2B cap for FY 2020. In accordance with regulations, USCIS determined it was necessary to use a computer-generated selection process intended to ensure the fair and orderly allocation of H-2B visa cap numbers available, without exceeding the FY 2020 cap.

On Feb. 20, USCIS conducted the selection process to randomly select the petitions from those received on Feb. 18. As a result, USCIS assigned all selected petitions a receipt date and began premium processing services.

Cap Type	Cap Amount	Beneficiaries Approved	Beneficiaries Pending	Total Beneficiaries ¹	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 ²			On Feb. 18, 2020, USCIS reached the cap for the second half of FY 2020.	2/26/2020

Note: The figures above are preliminary estimates and are only meant to give the public an approximate count of beneficiaries of H-2B visas who would be counted towards the INA cap for the fiscal year.

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 will typically exceed the actual cap to allow for withdrawals, denials, and approvals for which no visa is issued.

² If the first half of the fiscal year cap of 33,000 H-2B visas is not reached during the first half of the fiscal year, USCIS will make those unused numbers available for use during the second half of the fiscal year. Unused fiscal year cap-subject H-2B visas do not carry over to the following fiscal year

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