
From: U.S. Citizenship and Immigration Services <uscis@public.govdelivery.com>
Sent: Wednesday, February 26, 2020 2:41 PM
To:
Subject: H-2B Cap Reached for Second Half of FY2020

U.S. Citizenship and Immigration Services has received enough petitions to meet the congressionally mandated [H-2B cap](#) for the second half of fiscal year 2020. Feb. 18, 2020, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date before Oct. 1, 2020. USCIS will reject new cap-subject H-2B petitions received after Feb. 18 that request an employment start date before Oct. 1.

On Feb. 18, the number of beneficiaries for whom USCIS received petitions surpassed the total number of remaining H-2B visas available for the H-2B cap for the second half of 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 petitions from those received on Feb. 18. Upon completion of this random selection process, USCIS assigned all selected petitions a receipt date and began premium processing services. The H-2B cap for the second half of FY 2020 was met on Feb. 18, which was approximately the same time as when the H-2B cap for the second half of FY 2019 (Feb. 19, 2019) was met.

USCIS continues to accept H-2B petitions that are exempt from the congressionally mandated cap. This includes petitions for:

- Current H-2B workers in the United States who wish to extend their stay and, if applicable, change the terms of their employment or change their employers;
- Fish roe processors, fish roe technicians and/or supervisors of fish roe processing; and
- Workers performing labor or services in the Commonwealth of Northern Mariana Islands and/or Guam from Nov. 28, 2009, until Dec. 31, 2029.

U.S. businesses use the [H-2B program](#) to employ foreign workers for temporary nonagricultural jobs. Under the Immigration and Nationality Act (INA), as amended, 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), plus any unused numbers from the first half of the fiscal year, if any. Unused H-2B numbers from one fiscal year do not carry over into the next fiscal year.

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