



**U.S. Citizenship and  
Immigration Services**

## **H-2B Cap Reached for FY 2019**

U.S. Citizenship and Immigration Services (USCIS) has received enough petitions to meet the congressionally mandated [H-2B cap](#) for the second half of fiscal year (FY) 2019. Feb. 19, 2019, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date before Oct. 1, 2019. USCIS will reject new cap-subject H-2B petitions received after Feb. 19 that request an employment start date before Oct. 1, 2019.

On Feb. 19, the number of beneficiaries USCIS received petitions for surpassed the total number of remaining H-2B visas available for the H-2B cap for the second half of FY 2019. In accordance with regulations, USCIS determined it was necessary to use a computer-generated process, commonly known as a lottery, to ensure the fair and orderly allocation of H-2B visa numbers to meet, but not exceed, the remainder of the FY 2019 cap. On Feb. 21, USCIS conducted a lottery to randomly select petitions from those received on Feb. 19. As a result, USCIS assigned all petitions selected in the lottery the receipt date of Feb. 22. Premium processing service for petitions selected in the lottery also began on that date.

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 petitioning 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. 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) plus any unused numbers from the first half of the fiscal year, if any. However, unused H-2B numbers from one fiscal year do not carry over into the next.

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