

Gray Delany

From: U.S. Citizenship and Immigration Services <uscis@public.govdelivery.com>
Sent: Wednesday, February 24, 2021 12:23 PM
To: Gray Delany
Subject: H-2B Cap Reached for Second Half of FY 2021

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 (FY) 2021. Feb. 12, 2021, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date before Oct. 1, 2021. We will reject new cap-subject H-2B petitions received after Feb. 12 that request an employment start date before Oct. 1.

On Feb. 12, 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 2021. In accordance with regulations, we 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 2021 cap. On Feb. 17, we conducted the selection process to randomly select petitions from those received on Feb. 12. Upon completion of this random selection process, we assigned all selected petitions a receipt date and began premium processing services.

We continue 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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