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USCIS Reaches H-2B Cap for First Half of FY 2021

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Submitted by Chief Editor on Nov 19th 2020

U.S. Citizenship and Immigration Services has received enough petitions to reach the congressionally mandated cap on H-2B visas for temporary nonagricultural workers for the first half of fiscal year 2021. Nov. 16 was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date before April 1, 2021. USCIS will reject new cap-subject H-2B petitions received after Nov. 16, that request an employment start date before April 1, 2021.

On Nov. 16, 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 first half of FY 2021. 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 cap for the first half of FY 2021. On Nov. 18, USCIS conducted a lottery to randomly select petitions from those received on Nov. 16. As a result, USCIS assigned all petitions selected in the lottery the receipt date of Nov. 18. 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 the following types of petitions:

- Current H-2B workers in the U.S. who are extending their stay and, if applicable, changing the terms of their employment or changing 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](#) ^[2] 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 (plus any unused numbers from the first half of the fiscal year) for workers who begin employment in the second half of the fiscal year (April 1 - Sept. 30).

For more information, visit the [Cap Count for H-2B Nonimmigrants](#) [3] page.

Team Notes:

Agency:

[USCIS](#) [4]

Nonimmigrant Visas:

[H-2 Visa](#) [5]

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Links:

[1] <https://immigration.com/news/uscis-reaches-h-2b-cap-first-half-fy-2021>

[2] <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-temporary-non-agricultural-workers>

[3] <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-for-h-2b-nonimmigrants>

[4] <https://immigration.com/agencies/agency/dhs/uscis>

[5] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-2-visa>