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Immigration

H-2B Cap Reached for Second Half of FY 2020

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

U.S. Citizenship and Immigration Services (USCIS) announced on February 26, 2020, that it has received enough petitions to meet the congressionally mandated H-2B cap on foreign workers in temporary nonagricultural jobs for the second half of fiscal year 2020.

February 18, 2020, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date before October 1, 2020. USCIS said it will reject new cap-subject H-2B petitions received after February 18 that request an employment start date before October 1.

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 employers;
- fish roe processors, fish roe technicians, and/or supervisors of fish roe processing; and
- workers performing labor or services in the Commonwealth of the Northern Mariana Islands and/or Guam from November 28, 2009, until December 31, 2029.