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Immigration

H-2B Cap Reached for Second Half of FY 2022

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.

On March 1, 2022, U.S. Citizenship and Immigration Services (USCIS) announced that it received enough petitions to meet the congressionally mandated H-2B cap for the second half of fiscal year (FY) 2022. February 25, 2022, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date on or after April 1, 2022, and before October 1, 2022. USCIS said it will reject new cap-subject H-2B petitions received after February 25, 2022, that request an employment start date on or after April 1, 2022 and before October 1, 2022.

USCIS continues to accept H-2B petitions that are exempt from the congressionally mandated cap, including 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 Northern Mariana Islands and/or Guam (until December 31, 2029).