

H-2B Cap for Fiscal Year 2021 Reached as of February 12, 2021

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On February 24, 2021, U.S. Citizenship and Immigration Services (USCIS) announced that it reached the H-2B cap for the second half of fiscal year (FY) 2021. The cap was officially reached on February 12, 2021. USCIS explained that the number of beneficiaries for whom USCIS received petitions has surpassed the number of total H-2B visas available for FY 2021. On February 17, 2021, USCIS performed a random selection process of the petitions that were received as of February 12, 2021, assigning the selected petitions a receipt number and beginning premium processing services.

The H-2B visa program permits employers to have temporary foreign workers enter the United States to perform non-agricultural labor when there is a shortage of available U.S. workers. In order to obtain H-2B visas, employers must show that they have a temporary need to bring on additional workers to supplement their workforces due to needs that are one time, seasonal, intermittent, or peak load. Positions that may be eligible for H-2B visas include hotel staff, housekeepers, janitors, amusement park workers, landscapers, warehouse workers and many others. There is a cap of H-2B visas of 66,000 visas per fiscal year, with 33,000 available in the first half of the fiscal year (October 1, 2020 through March 31, 2021) and the remaining 33,000 reserved for the second half of the fiscal year (April 1, 2021 through September 30, 2021).

There is the potential that the H-2B visa cap could be increased as in prior years. In 2020, there was not an increase in the H-2B visa cap, but in May 2019, the U.S. Department of Homeland Security (DHS) **announced** that it would issue up to 30,000 additional H-2B visas for the second half of FY 2019. Also, in July 2017, DHS **allowed** up to 15,000 more visas through the end of FY 2017.

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