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**U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS)  
ANNOUNCES THE H-2B CAP HAS BEEN REACHED**

United States Citizenship and Immigration Services (USCIS) announced on April 2, 2015 that it had received enough H-2B petitions to reach the congressionally mandated cap for the first half of the Fiscal Year (FY) 2015.

An [H-2B visa](#) is a temporary work visa for foreign workers with a job offer for seasonal, non-agricultural work in the United States. The H-2B visa program is open to nationals of countries designated by the United States Secretary of Homeland Security and is capped at 66,000 visas per fiscal year, with 33,000 to be allocated for employment beginning in the 1st half of the fiscal year (October 1 - March 31) and 33,000 to be allocated for employment beginning in the 2nd half of the fiscal year (April 1 - September 30). Any unused numbers from the first half of the fiscal year will be made available for use by employers seeking to hire H-2B workers during the second half of the fiscal year. There is no "carry over" of unused H-2B numbers from one fiscal year to the next.

According to the announcement, March 26, 2015 is the final receipt date for new H-2B worker petitions requesting an employment start date before October 1, 2015. The "final receipt date" is the date when USCIS has received enough cap-subject petitions to reach the limit of 33,000 H-2B workers for the first six months of FY 2015. This means that there are no longer any spots available from the first half of FY 2015 to carry over to the second half of FY 2015.

As the cap have been reached, USCIS will not accept either new H-2B petitions that request an employment start date before October 1, 2015 or the petitions that were received after March 26, 2015.

Current H-2B workers in the U.S. petitioning to extend their stays and, if applicable, change the terms of their employment or change their employers will not count towards the congressionally mandated cap. USCIS will also continue to accept petitions that are exempt from the congressionally mandated cap, including petitions for 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 November 28, 2009 until December 31, 2019).

Foster will continue to monitor developments within the H-2B program and will provide future updates via our firm's website at [www.fosterglobal.com](http://www.fosterglobal.com).

Employers who wish to bring in seasonal workers on or after October 1, 2015 are encouraged to contact their Foster attorney now to design the recruitment and begin the multi-stage process so that they are ready when the next filing period begins.