



U.S. Citizenship and Immigration Services

USCIS Completes Lottery for Temporary Increase in FY 2018 H-2B Cap

[Versión en español](#)

On May 31, 2018, U.S. Citizenship and Immigration Services (USCIS) began receiving H-2B petitions under the [temporary final rule](#) increasing the numerical limit, or cap, on H-2B nonimmigrant visas by up to 15,000 additional visas through the end of fiscal year (FY) 2018.

In the first five business days of filing, USCIS received petitions for more beneficiaries than the number of H-2B visas available under the FY 2018 supplemental cap. Accordingly, regulations required USCIS to use a computer-generated selection process, commonly known as a lottery, to randomly select enough petitions to meet, but not exceed, the increased H-2B cap for FY 2018. USCIS ran this lottery on June 7, 2018, and on June 11, 2018, began issuing notifications to the petitioners that were selected.

USCIS will reject and return unselected petitions with their filing fees, as well as any cap-subject petitions received after June 6, 2018.

Petitions accepted for processing will have a receipt date of June 11, 2018. [Premium processing service](#) for these petitions begins on that receipt date.

Only employers whose petitions were accepted will receive receipt notices.

A petition may be denied if USCIS discovers, after a petition has been filed, that an original approved temporary labor certification (TLC) was not submitted with the petition in accordance with the Form I-129 instructions, or if a petitioner requests more workers than were certified on the TLC. USCIS will not refund fees for a petition that has been denied.

USCIS continues to accept H-2B petitions that are exempt from, or not counted towards, the cap. These include petitions for:

- Current H-2B workers in the United States seeking to extend their stay and, if applicable, change the terms of their employment or change their employers;
- Fish roe processors, fish roe technicians, or supervisors of fish roe processing; and
- Workers performing labor or services in the Commonwealth of the Northern Mariana Islands and/or Guam, until Dec. 31, 2019.

U.S. businesses use the H-2B program to employ foreign workers for temporary nonagricultural jobs. 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 for workers who begin employment in the second half of the fiscal year (April 1 – Sept. 30).

The 15,000 additional visas for FY 2018 are available only to American businesses which, among other requirements, attest that they will likely suffer irreparable harm without the ability to employ all the H-2B workers requested in their petition.

Additional information is available at [Cap Count for H-2B Nonimmigrants](#).

