U.S. Citizenship and Immigration Services

Public Notice

December 13, 2004

USCIS ANNOUNCES FY 2005 H-2B PROCESSING
Numbers Reflect Cases Received As Of December 8, 2004

Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) announced today that it has received H-2B petitions for 61,747 beneficiaries counting against the statutory visa cap for fiscal year 2005 (October 1, 2004 through September 30, 2005). The fiscal year 2005 statutory visa cap is 66,000.

Based on past experience, USCIS needs to approve approximately 100,000 beneficiaries to fully utilize the 66,000 H-2B visa cap during a fiscal year. As the 100,000 beneficiary target is approached, USCIS will use more exacting counts to determine if it needs to stop accepting H-2B petitions during fiscal year 2005.

On March 9, 2004, USCIS stopped accepting H-2B petitions that counted against the fiscal year 2004 statutory cap. USCIS continued to process petitions for current H-2B workers that did not count against the cap throughout fiscal year 2004. Those petitions were filed to:

- Extend the stay of a current H-2B worker in the United States.
- Change the terms of employment for current H-2B workers.
- Allow current H-2B workers to change or add employers.

USCIS anticipates imposing a similar cut-off with similar exceptions during fiscal year 2005.

The H-2B visa category allows U.S. employers in industries with peak load, seasonal or intermittent needs to augment the existing labor force with temporary workers. Typically, H-2B workers fill labor needs in occupational areas such as education, construction, health care, landscaping, lumber, manufacturing, food service/processing, and resort/hospitality services.

– USCIS –

On March 1, 2003, U.S Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.

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