



Office of Communications

U.S. Citizenship
and Immigration
Services

Press Release

March 23, 2007

USCIS REACHES H-2B CAP FOR SECOND HALF OF FISCAL YEAR 2007

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) announced today that it has received a sufficient number of petitions to reach the congressionally mandated H-2B cap for the final six months of fiscal year 2007 (FY 2007). USCIS is notifying the public that March 16, 2007 is the “final receipt date” for new H-2B worker petitions requesting employment start dates prior to October 1, 2007. The “final receipt date” is the date on which USCIS determines that it has received enough cap-subject petitions to reach the limit of 33,000 H-2B workers for the second half of FY 2007.

The Cap was reached with existing totals received for that day. USCIS will reject petitions for new H-2B workers seeking employment start dates prior to October 1, 2007 that arrive after March 16, 2007.

Petitions for both current and returning H-2B workers do not count towards the congressionally mandated bi-annual H-2B cap. “Returning workers” are exempt from H-2B cap limitations. In order to qualify as a “returning worker”, the worker must have counted against the H-2B numerical cap between October 1, 2003 and September 30, 2006. Any worker not certified as a “returning worker” is subject to the numerical limitations for the relevant fiscal year. USCIS will reject petitions received after the “final receipt date” which contain a combination of “returning workers” and workers subject to the H-2B cap. Petitioning employers will receive partial approvals for those aliens who qualify as “returning workers” if otherwise approvable.

USCIS will continue to process petitions 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 and extend their stay;
- Allow current H-2B workers to change or add employers and extend their stay; or
- Request eligible H-2B “returning workers.”

More information about the H-2B work program is available at www.uscis.gov or by calling the National Customer Service Center at 1-800-375-5283.

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