

## USCIS Announces H-2B Cap Reached on 3 Jan 05

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January 4, 2005

Announcement:

On January 4, 2005 the USCIS issued a press release announcing that as of January 3, 2005, it has received enough petitions to reach the statutory cap for H-2B petitions, and that it will no longer accept petitions for new H-2B visas for Fiscal Year (FY) 2005. See our web site for a copy of this announcement.

Current law establishes a maximum of 66,000 annual approvals from the US Citizenship and Immigration Service of aliens newly classified to be in H-2B status. The US government operates on a fiscal year that begins October 1 and ends September 30.

USCIS will use the following procedure for the remainder of FY 2005:

- USCIS will process all petitions received by the end of business on January 3, 2005.
- USCIS will return all petitions subject to the annual cap (along with the filing fee and, if applicable the premium processing fee) that were filed after the end of business on January 3, 2005.
- Petitioners may re-submit or file new petitions when they have received labor certification approval for work to start on or after October 1, 2005.

USCIS plans to provide further details on these procedures in a new notice that will be published in the Federal Register shortly. When available we will publish that on our website.

Employers who missed the FY 2005 H-2B Cap can look ahead to FY 2006 and file new H-2B petitions with a future employment start date of October 1, 2005 or later. The only limitation to filing this type of petition is that it cannot be begun more than 120 days in advance of the employment start date.

If you have further questions, please call our office at 1-800-437-7313.