

# Announcements

## **November 3, 2021. The Department of Labor's Response to Stakeholder Requests to Raise the H-2B Visa Cap for the First Half of Fiscal Year 2022**

The Department of Labor (Department or DOL) continues to recognize that obtaining a reliable workforce is crucial to meeting the temporary or seasonal labor needs of American businesses. The Department also recognizes how important it is to help Americans get back to work. We are committed to building a modern, inclusive workforce – ensuring all workers have good jobs, fair wages and working conditions, and opportunities for advancement.

The Immigration and Nationality Act (INA) sets the cap on the annual number of non-citizens who may be issued H-2B visas or otherwise provided H-2B nonimmigrant status to perform temporary non-agricultural work at 66,000, to be distributed semi-annually beginning in October and April (H-2B cap). The Department of Homeland Security's (DHS) United States Citizenship and Immigration Services (USCIS) has the statutory responsibility for determining whether the H-2B cap has been reached in each semi-annual period based on the number of H-2B petitions it receives.

On October 12, 2021, USCIS [announced](#) that on September 30, 2021 it had reached the congressionally mandated cap for H-2B visas for temporary nonagricultural workers for the first half of the FY 2022. Except where the H-2B petition qualifies for an exemption from the statutory visa cap, USCIS is currently rejecting new cap-subject petitions received after September 30, 2021 that request an employment start date before April 1, 2022.

While the 33,000 H-2B cap for the first half of FY 2022 has been reached, we encourage every employer seeking workers to visit the almost 2,400 [American Job Centers \(AJC\)](#) nationwide to find and hire talented workers, as well as to train and retain qualified workers. Additionally, the Department recognizes the incredible value of our nation's veterans and encourages tapping into their skills and talents. There are Veteran Employment Representatives in every AJC across the country who can assist businesses and veterans with their employment needs. You may also consider working with the Department's [Veterans' Employment and Training Service](#) to facilitate recruitment efforts in the veteran community.

Again, we understand the importance of this issue to both workers and employers. In recent years, Congress has enacted a series of public laws that provided the Secretary of Homeland Security with time-limited, discretionary authority to increase the H-2B cap beyond the number set forth in the INA after consultation with the Secretary of Labor. The Department will continue working collaboratively with our partners at DHS in an ongoing effort to ensure effective operation of the H-2B program.