



Characteristics of H-1B Specialty Occupation Workers

Fiscal Year 2013 Annual Report to Congress
October 1, 2012 – September 30, 2013

March 24, 2014



Homeland
Security

*U.S. Citizenship and
Immigration Services*



**Homeland
Security**

March 24, 2014

Foreword

On behalf of the Department of Homeland Security, I am pleased to present the following report, “Characteristics of H-1B Specialty Occupation Workers” for Fiscal Year 2013, prepared by U.S. Citizenship and Immigration Services.

Pursuant to statutory requirements, this report is being provided to the following Members of Congress:

The Honorable Patrick J. Leahy
Chairman, Senate Judiciary Committee

The Honorable Charles Grassley
Ranking Member, Senate Judiciary Committee

The Honorable Robert W. Goodlatte
Chairman, House Judiciary Committee

The Honorable John Conyers, Jr.
Ranking Member, House Judiciary Committee

Inquiries relating to this report may be directed to me at (202) 447-5890.

Respectfully,

A handwritten signature in black ink that reads "Brian de Vallance".

Brian de Vallance
Acting Assistant Secretary for Legislative Affairs

Executive Summary

The American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), Pub. L. No. 105-277, div. C, tit. IV § 416(c)(2), 112 Stat. 2681, imposes annual reporting requirements on U.S. Citizenship and Immigration Services (USCIS) concerning the countries of origin and occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the *Immigration and Nationality Act (INA)* during the previous fiscal year (FY).

To fulfill this requirement, USCIS submits the following report for FY 2013, October 1, 2012–September 30, 2013.

Highlights

- The number of H-1B petitions filed decreased 3 percent from 307,713 in FY 2012 to 299,467 in FY 2013.
- The number of H-1B petitions approved increased 9 percent from 262,569 in FY 2012 to 286,773 in FY 2013.¹
- Seventy-one percent of H-1B petitions approved in FY 2013 were for workers between the ages of 25 and 34.
- Forty-five percent of H-1B petitions approved in FY 2013 were for workers with a bachelor's degree, 41 percent had a master's degree, 9 percent had a doctorate, and 5 percent were for workers with a professional degree.
- Sixty percent of H-1B petitions approved in FY 2013 were for workers in computer-related occupations.
- The median salary of beneficiaries of approved petitions increased from \$70,000 for FY 2012 to \$72,000 for FY 2013.

¹ This number does not reflect approval versus denial rates but rather shows the number of approved petitions overall this year versus the number approved last year. The figures for Fiscal Year 2013 include 67,626 petitions which were received *prior* to Fiscal Year 2013, but were approved in Fiscal Year 2013 (see footnote 11).



Characteristics of H-1B Specialty Occupation Workers

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I. Legislative Requirement

Section 416(c)(2) of the *American Competitiveness and Workforce Improvement Act of 1998* (ACWIA), Pub. L. No. 105-277, div. C, tit. IV, 112 Stat. 2681, includes the following reporting requirement:²

[T]he Attorney General³ shall submit on an annual basis, to the Committees on the Judiciary of the United States House of Representatives and the Senate, information on the countries of origin and occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the *Immigration and Nationality Act* during the previous fiscal year.

² Sections 416(c)(1) and (3) of ACWIA, Pub. L. No. 105-277, div. C, tit. IV, 112 Stat. 2681, require the submission of data on the number of aliens issued visas or otherwise provided nonimmigrant status pursuant to petitions filed by institutions or organizations described in section 212(p) of the INA. This data is included in the “Report on H1B Petitions” for Fiscal Year 2013.

³ As of March 1, 2003, in accordance with section 1517 of Title XV of the *Homeland Security Act* of 2002 (HSA), Pub. L. No. 107-296, 116 Stat. 2135, any reference to the Attorney General in a provision of the Immigration and Nationality Act describing functions which were transferred from the Attorney General or other Department of Justice official to the Department of Homeland Security by the HSA “shall be deemed to refer to the Secretary” of Homeland Security. See 6 U.S.C. § 557 (2003) (codifying HSA, Title XV, § 1517).

II. Background

*An H-1B temporary worker is an alien admitted to the United States to perform services in a “specialty occupation.”*⁴

The H-1B nonimmigrant classification is a vehicle through which a qualified alien may seek admission to the United States on a temporary basis to work in his or her field of expertise. An H-1B petition can be filed for an alien to perform services in a specialty occupation, services relating to a Department of Defense (DOD) cooperative research and development project or coproduction project, or services of distinguished merit and ability in the field of fashion modeling. Prior to employing an H-1B temporary worker, the U.S. employer must first file a Labor Condition Application (LCA) with the Department of Labor (DOL) and then file an H-1B petition with USCIS.⁵ The LCA specifies the job, salary, length, and geographic location of employment. The employer must agree to pay the alien the greater of the actual or prevailing wage for the position.

To qualify as a specialty occupation, the position must meet one of the following requirements: (1) a bachelor’s or higher degree or its equivalent is normally the minimum entry requirement for the position; (2) the degree requirement is common to the industry in parallel positions among similar organizations or, in the alternative, the position is so complex or unique that it can be performed only by an individual with a degree; (3) the employer normally requires a degree or its equivalent for the position; or (4) the nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with attainment of a bachelor’s or higher degree. See 8 CFR 214.2(h)(4)(iii)(A).

In order to perform services in a specialty occupation, an alien must meet one of the following criteria: (1) hold a U.S. bachelor’s or higher degree as required by the specialty occupation from an accredited college or university; (2) possess a foreign degree determined to be equivalent to a U.S. bachelor’s or higher degree as required by the specialty occupation from an accredited college or university; (3) have any required license or other official permission to practice the occupation (for example, architect, surveyor, physical therapist) in the state in which employment is sought; or (4) have education, specialized training, or progressively responsible experience (or a combination thereof) that is equivalent to completion of a U.S. bachelor’s degree or higher in the specialty occupation, and have recognition of expertise through progressively responsible positions directly related to the specialty occupation. See 8 CFR 214.2(h)(4)(iii)(C). Specialty occupations may include, but are not limited to, computer systems analysts and programmers, physicians, professors, engineers, and accountants. See 8 CFR 214.2(h)(4)(ii).

⁴ Section 214(i)(1) of the INA, 8 U.S.C. 1184(i)(1), defines a specialty occupation as “an occupation that requires (A) the theoretical and practical application of a body of highly specialized knowledge, and (B) attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.”

⁵ An LCA is not required for petitions involving DOD cooperative research and development projects or coproduction projects. 8 CFR 214.2(h)(4)(vi)(A)(2).

Although USCIS is responsible for evaluating an alien’s qualifications for the H-1B classification and effecting a change of nonimmigrant status for aliens already in the United States in another nonimmigrant classification, approval of an H-1B petition does not guarantee issuance of an H-1B visa or admission to the United States in H-1B status. The responsibility for visa issuance rests primarily with the U.S. Department of State (DOS), which determines whether a prospective alien employee is eligible for issuance of a visa at a U.S. Embassy or Consulate abroad after the H-1B petition has been approved by USCIS. Determinations of whether to admit an alien in H-1B status are made by U.S. Customs and Border Protection (CBP) at a port-of-entry. Possession of a visa does not guarantee admission.

An alien generally may be admitted to the United States in H-1B status for a maximum period of six years, see INA 214(g)(4); however, each H-1B petition may only be approved for a maximum period of three years.⁶ See 8 CFR 214.2(h)(9)(iii)(A)(1). The H-1B petition may be used to sponsor an alien for an initial period of H-1B employment or to extend or change the authorized stay of an alien previously admitted to the United States in H-1B status or another nonimmigrant status. An employer may file the petition to sponsor an alien who currently has H-1B nonimmigrant status working for another employer or amend a previously approved petition. Therefore, the total number of approved petitions in any given fiscal year may exceed the actual number of aliens who are provided nonimmigrant status in the H-1B classification. At the end of the six-year period, the alien must either change to a different status (if eligible) or depart the United States, unless otherwise exempt.⁷ USCIS regulations provide that an alien who has resided and been physically present outside the United States for at least one year may be eligible for a new six-year period of admission in H-1B status. See 8 CFR 214.2(h)(13)(iii)(A).

When the H-1B category was enacted in 1990, Congress set a maximum of 65,000 aliens who could be issued H-1B visas or otherwise provided H-1B status during each fiscal year. This limitation, commonly referred to as the “H-1B cap,” does not apply to H-1B petitions filed on behalf of certain aliens who have previously been counted against the cap. Thus, generally, a petition to extend an H-1B nonimmigrant’s period of stay, change the conditions of the H-1B nonimmigrant’s current employment, or request new H-1B employment for an H-1B worker already in the United States will not count against the H-1B fiscal year cap. An approved petition for initial employment is also exempt from the cap if the petitioner is an institution of higher education or nonprofit entity affiliated with or related to an institution of higher education, or if the petitioner is a nonprofit research organization or governmental research organization. See INA 214(g)(5), 8 USC 1184(g)(5)(C).

The Immigration Act of 1990, ACWIA, and the American Competitiveness in the Twenty-first Century Act of 2000 (AC21), made significant changes to policy and procedure governing the

⁶ An alien involved in DOD cooperative research and development projects or coproduction projects may be admitted to the United States in H-1B status for a maximum period of ten years, see 8 CFR 214.2(h)(13)(iii)(B); however, the H-1B petition may only be approved for a maximum period of five years. See 8 CFR 214.2(h)(9)(iii)(A)(2).

⁷ Certain aliens are exempt from the 6-year maximum period of admission under the provisions of the American Competitiveness in the Twenty-First Century Act of 2000 (AC21), Pub. L. No. 106-313, 114 Stat. 1251.

H-1B classification, including providing temporary increases in the fiscal year limitations on the number of aliens who may be issued H-1B visas or otherwise provided H-1B status and providing certain exemptions to these limitations. Under ACWIA, the annual ceiling was increased from 65,000 to 115,000 in FYs 1999 and 2000 and to 107,500 in FY 2001. AC21 raised the limit in FY 2001, FY 2002, and FY 2003 to 195,000. Starting in FY 2004, the H-1B cap reverted to 65,000 per fiscal year and remains at that level.⁸ These statutory provisions also provided for certain exemptions from the fiscal year H-1B cap, as described above. The *H-1B Visa Reform Act of 2004* mandated that up to 20,000 H-1B petitions filed on behalf of aliens with U.S.-earned masters or higher degrees will be exempt from each fiscal year's H-1B cap. See INA 214(g)(5)(C), 8 USC 1184(g)(5)(C).

III. Data Report

Section 3.1 – General distribution of petitions

During FY 2013, USCIS approved 286,773 H-1B petitions submitted by employers on behalf of alien workers. The number of approved petitions exceeds the number of individual H-1B workers sponsored because of the different types of petitions that can be filed (e.g., requests for concurrent employment with another employer, requests for extension of stay, amended petitions).

Table 1 shows for FYs 2010 to 2013 the number of petitions filed for initial and continuing employment and the number of petitions approved for initial and continuing employment. Of the petitions approved in 2013, a total of 128,291 petitions, or 45 percent, were for initial employment.⁹ The corresponding number of petitions for continuing employment was 158,482.¹⁰ A worker may have had a second (or subsequent) petition filed on his or her behalf to: 1) extend the period allowed to work with their current employer; 2) notify USCIS of changes in the conditions of employment, including a change of employer; or 3) request concurrent H-1B status with another employer.

⁸ Each fiscal year, up to 1,400 H-1B visa numbers are set aside for nationals of Chile and up to 5,400 are set aside for nationals of Singapore under the provisions of free trade agreements between the U.S. and each country. See INA 214(g)(8)(B)(ii), 8 U.S.C. 1184(g)(8)(B)(ii). In addition, there is a limit of no more than 100 aliens in the U.S. at any time performing services in a DOD cooperative research and development projects or coproduction projects. See 8 CFR 214.2(h)(8)(i)(B).

⁹ The terms “initial employment” and “continuing employment” are used throughout this report to identify two types of petitions. Petitions for initial employment are filed for first-time H-1B employment with an employer, only some of which are applied to the annual cap. Examples of petitions for initial employment that are exempt from the cap include petitions submitted by nonprofit research organizations or governmental research organizations. Continuing employment petitions refer to extensions, sequential employment, and concurrent employment, which are filed for aliens already in the United States. Extensions generally are filed for H-1B workers intending to work beyond the initial 3-year period up to a total of six years, the maximum period generally permissible under law. Sequential employment refers to petitions for workers transferring between H-1B employers within the 6-year period. Finally, petitions for concurrent employment are filed for H-1B workers intending to work simultaneously for an additional H-1B employer.

¹⁰ Neither AC21 nor prior legislation established a cap on H-1B petitions for continuing employment.

The number of H-1B petitions filed decreased 3 percent and petitions approved increased by 9 percent between FYs 2012 and 2013. For initial employment, petitions filed decreased 16 percent and petitions approved decreased by 6 percent. Petitions filed for continuing employment increased 11 percent and petitions approved increased by 21 percent.

**Table 1. H-1B Petitions Filed and Approved by Type of Petition:
FYs 2010 to 2013**

	FY 2010	FY 2011	FY 2012	FY 2013
Petitions filed	247,617	267,654	307,713	299,467
Initial Employment	99,146	114,529	155,292	130,034
Continuing Employment	148,471	153,125	152,421	169,433
Petitions approved¹¹	192,990	269,653	262,569	286,773
Initial Employment	76,627	106,445	136,890	128,291
Continuing Employment	116,363	163,208	125,679	158,482

Table 2 shows the number of H-1B petitions filed by quarter in FYs 2010 to 2013. More than eighty-three percent of filings for initial employment occurred in the third quarter of FY 2013, when the cap-subject petition filing season opened. Sixty-one percent of filings for continuing employment were received in the third and fourth quarters of FY 2013.

**Table 2. H-1B Petitions Filed by Quarter:
FYs 2010 to 2013**

Quarter	FY 2010	FY 2011	FY 2012	FY 2013	FY 2013 Initial Employment	Percent of Total	FY 2013 Continuing Employment	Percent of Total
Total	247,617	267,654	307,713	299,467	130,034	100	169,433	100
October-December	50,790	55,781	65,186	40,048	6,152	4.7	33,896	20.0
January-March	34,313	44,995	36,217	39,433	6,377	4.9	33,056	19.5
April-June	88,501	86,716	150,104	159,380	108,927	83.8	50,453	29.8
July-September	74,013	80,162	56,206	60,606	8,578	6.6	52,028	30.7

Note: Sum of the percent may not add to 100 due to rounding.

¹¹ These figures represent all approved petitions during the respective fiscal year, irrespective of whether the petition was filed in the same or in a previous fiscal year. To illustrate, in FY 2013, USCIS received 299,467, but approved 286,773 petitions. Of the 286,773 petitions that were approved, 219,147 were received in FY 2013, whereas 67,626 petitions were received prior to FY 2013.

Table 3 provides a breakdown of approved petitions in FYs 2010 to 2013 by type of petition. 128,291 H-1B beneficiaries were approved for initial employment and 158,482 for continuing employment in FY 2013.

The number of aliens outside the United States approved for initial employment decreased nearly 8 percent from 74,997 in FY 2012 to 68,785 in FY 2013. The corresponding number of petitions approved for aliens in the United States requesting a change to H-1B status decreased by 4 percent to 59,506 in 2013.

**Table 3. H-1B Petitions Approved by Type:
FYs 2010 to 2013**

Type of Petition	Petitions Approved							
	FY2010	Percent	FY2011	Percent	FY2012	Percent	FY2013	Percent
Total	192,990	100	269,653	100	262,569	100	286,773	100
Initial employment	76,627	40	106,445	39	136,890	52	128,291	45
Aliens outside U.S.	34,848	18	48,665	18	74,997	28	68,785	24
Aliens in U.S.	41,779	22	57,780	21	61,893	24	59,506	21
Continuing employment	116,363	60	163,208	61	125,679	48	158,482	55

Note: Sum of the percent may not add to 100 due to rounding.

Section 3.2 – Distribution of petitions by country of birth

Tables 4A and 4B show the distribution of beneficiaries by country of birth.¹² Of the H-1B petitions approved in FY 2013, 65 percent reported that the beneficiary was born in India. The second most prevalent country of birth of H-1B beneficiaries was the People’s Republic of China, representing 8 percent of all beneficiaries. The number of beneficiaries from India approved for initial employment increased less than 1 percent in 2013, while the number of beneficiaries approved for continuing employment increased 1 percent in FY 2013.

¹² Data represent countries and territories of birth.

**Table 4A. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of
Petition (Number): FYs 2012 and 2013**

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2012 Number	FY 2013 Number	FY 2012 Number	FY 2013 Number	FY 2012 Number	FY 2013 Number
Total	262,569	286,773	136,890	128,291	125,679	158,482
India	168,367	187,270	86,477	81,992	81,890	105,278
China, People's Republic	19,850	23,429	11,409	12,651	8,441	10,778
Canada	7,999	7,971	3,660	3,096	4,339	4,875
Philippines	5,304	6,152	1,863	1,673	3,441	4,479
South Korea	4,579	4,843	2,662	2,310	1,917	2,533
United Kingdom	3,535	3,680	2,013	1,595	1,522	2,085
Mexico	3,047	3,114	1,528	1,260	1,519	1,854
Taiwan	2,387	2,470	1,368	1,260	1,019	1,210
Japan	2,542	2,464	1,171	929	1,371	1,535
France	2,232	2,322	1,377	1,161	855	1,161
Pakistan	1,997	2,147	851	851	1,146	1,296
Germany	1,816	1,767	1,083	900	733	867
Turkey	1,774	1,683	989	801	785	882
Nepal	1,636	1,652	932	844	704	808
Brazil	1,712	1,649	996	765	716	884
Italy	1,332	1,381	804	760	528	621
Colombia	1,392	1,361	623	529	769	832
Russia	1,321	1,313	829	741	492	572
Venezuela	1,494	1,310	807	583	687	727
Spain	1,015	1,188	632	716	383	472
Other countries	27,238	27,607	14,816	12,874	12,422	14,733

Note: Countries of birth are ranked based on FY 2013 data.

Table 4B. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of Petition (Percent): FYs 2012 and 2013

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2012 Percent	FY 2013 Percent	FY 2012 Percent	FY 2013 Percent	FY 2012 Percent	FY 2013 Percent
Total	-----	-----	-----	-----	-----	-----
Country of birth	100	100	100	100	100	100
India	64.1	65.3	63.2	63.9	65.2	66.4
China, People's Republic	7.6	8.2	8.3	9.9	6.7	6.8
Canada	3.0	2.8	2.7	2.4	3.5	3.1
Philippines	2.0	2.2	1.4	1.3	2.7	2.8
South Korea	1.7	1.7	1.9	1.8	1.5	1.6
United Kingdom	1.3	1.3	1.5	1.2	1.2	1.3
Mexico	1.2	1.1	1.1	1.0	1.2	1.2
Taiwan	0.9	0.9	1.0	1.0	0.8	0.8
Japan	1.0	0.9	0.9	0.7	1.1	1.0
France	0.9	0.8	1.0	0.9	0.7	0.7
Pakistan	0.8	0.7	0.6	0.7	0.9	0.8
Germany	0.7	0.6	0.8	0.7	0.6	0.6
Turkey	0.7	0.6	0.7	0.6	0.6	0.6
Nepal	0.6	0.6	0.7	0.7	0.6	0.5
Brazil	0.7	0.6	0.7	0.6	0.6	0.6
Italy	0.5	0.5	0.6	0.6	0.4	0.4
Colombia	0.5	0.5	0.5	0.4	0.6	0.5
Russia	0.5	0.5	0.6	0.6	0.4	0.4
Venezuela	0.6	0.5	0.6	0.5	0.5	0.5
Spain	0.4	0.4	0.5	0.6	0.3	0.3
Other countries	10.4	9.6	10.8	10.0	9.9	9.2

Notes: Countries of birth are ranked based on FY 2013 data.

Sum of the percent may not add to 100 due to rounding.

Section 3.3 – Distribution of petitions by age

Table 5 shows the age distribution of the H-1B beneficiaries in FY 2013 by type of petition. Seventy-one percent of workers granted H-1B status during FY 2013 were between 25 and 34 years of age at the time their petitions were approved. Over 54 percent of initial beneficiaries were under 30, compared with over 29 percent of continuing beneficiaries.

Table 5. H-1B Petitions Approved by Age of Beneficiary at Time of Approval and by Type of Petition: FY 2013

Age	All Beneficiaries	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	286,773		128,291		158,482	
Age known	286,763	100	128,284	100	158,479	100
Under 20	61	0.02	40	0.03	21	0.01
20-24	13,065	4.56	11,960	9.32	1,105	0.7
25-29	102,499	35.74	57,276	44.65	45,223	28.54
30-34	100,921	35.19	37,607	29.32	63,314	39.95
35-39	45,836	15.98	14,069	10.97	31,767	20.04
40-44	14,889	5.19	4,377	3.41	10,512	6.63
45-49	5,535	1.93	1,678	1.31	3,857	2.43
50-54	2,403	0.84	745	0.58	1,658	1.05
55-59	956	0.33	334	0.26	622	.39
60-64	413	0.14	136	0.11	277	.17
65 and over	185	0.06	62	0.05	123	0.08
Age unknown	10	-----	7	-----	3	-----

Notes: Anyone reported as under 16 years old and not a fashion model was assumed to be of unknown age.
 Age of beneficiary is calculated based on the date the petition was approved.
 Sum of the percent may not add to 100 due to rounding.
 Percentages shown in the table are based on the total number of approved petitions with known ages.

Section 3.4 – Distribution of petitions by education

Tables 6 and 7 show the highest level of education achieved by the beneficiaries at the time of filing the petition. Employers are asked to provide the highest degree (domestic or foreign) when completing the H-1B petition, but not training or experience deemed equivalent to a degree. The reporting of a domestic or foreign degree is not required in a standard format on USCIS or DOL forms. However, in nearly all cases, the petitioning employer provides the information in supporting documentation. For degrees earned outside the United States, the employer usually supplies a credential evaluation stating that the foreign degree is “equivalent

to” a particular U.S. degree. USCIS does not maintain separate data regarding whether the degree was earned in the United States or abroad. (Data on beneficiaries with U.S. advanced degrees has been available since May 2005.)

The breakdown of the highest level of education achieved by H-1B beneficiaries remained mostly constant between FYs 2012 and 2013. As shown in Table 6, 45 percent of all H-1B petitions approved for workers in FY 2013 reported that the beneficiary had earned the equivalent of a bachelor’s degree; 41 percent a master’s degree; 9 percent a doctorate, and 5 percent a professional degree. Altogether, 99 percent had earned at least a bachelor’s degree, and 55 percent had earned at least a master’s degree.

**Table 6. Percent of H-1B Petitions Approved by Level of Education:
FYs 2010-2013**

Level of Education	FY 2010	FY 2011	FY 2012	FY 2013
Education known	100	100	100	100
Less than a Bachelor's degree	1	1	1	1
Bachelor's degree	42	41	46	45
Master's degree	39	42	41	41
Doctorate degree	12	11	8	9
Professional degree	6	5	4	5

Note: Sum of percent may not add to 100 due to rounding.

**Table 7. H-1B Petitions Approved by Level of Education of Beneficiary
and Type of Petition: Fiscal Year 2013**

Level of Education	All Beneficiaries	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	286,773		128,291		158,482	
Education known	286,732	100	128,275	100	158,457	100
No high school diploma	111	0.04	68	0.1	43	0.03
High school graduate	273	0.1	148	0.1	125	0.1
Less than 1 year of college credit	37	0.01	15	0.01	22	0.01
1 or more years of college credit, no diploma	442	0.2	162	0.1	280	0.2
Associate's degree	366	0.1	121	0.1	245	0.2
Bachelor's degree	129,139	45.0	60,731	47.3	68,408	43.2
Master's degree	118,291	41.1	50,477	39.4	67,814	42.9
Doctorate degree	25,101	8.8	12,241	9.5	12,860	8.1
Professional degree	12,972	4.5	4,312	3.4	8,660	5.5
Education unknown	41	-----	16	-----	25	-----

Notes: Sum of the percent may not add to 100 due to rounding.

Percentages shown in the table are based on the number of approved petitions with known levels of education.

Section 3.5 – Distribution of petitions by occupation

Occupational Category

Tables 8A and 8B show the distribution of beneficiaries by occupational category for FYs 2012 and 2013. The category of computer-related occupations was the largest occupational category in 2013; its share of total petitions approved was 60 percent in FY 2013. The corresponding shares for initial employment and continuing employment in computer-related occupations were 63 and 58 percent, respectively. The top ten occupational categories representing 98 percent of all beneficiaries had more continuing employment than initial employment beneficiaries.

The number of H-1B petitions approved for workers in computer-related occupations remained mostly constant from 2012 and 2013. The number of H-1B petitions for all other occupation groups combined also remained mostly constant between 2012 and 2013.

Table 8A. H-1B Petitions Approved by Major Occupation Group of Beneficiary and Type of Petition (Number): Fiscal Years 2012 and 2013

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2012 Number	FY2013 Number	FY2012 Number	FY2013 Number	FY2012 Number	FY2013 Number
Total	262,569	286,773	136,900	128,291	125,679	158,482
Occupation known	260,428	284,851	135,966	127,536	124,462	157,315
Computer-related occupations	154,869	171,613	83,444	79,870	71,425	91,743
Occupations in Architecture, Engineering and Surveying	26,329	27,495	13,082	11,642	13,247	15,853
Occupations in Education	17,421	20,370	8,492	8,969	8,929	10,271
Occupations in Administrative Specializations	18,204	18,771	9,781	8,500	8,423	11,401
Occupations in Medicine and Health	14,083	17,138	5,649	5,587	8,434	11,551
Managers and Officials N.E.C.*	6,060	5,775	2,921	2,079	3,139	3,696
Occupations in Mathematics and Physical Sciences	4,969	5,303	2,465	2,405	2,504	2,898
Occupations in Life Sciences	4,820	5,247	2,505	2,518	2,315	2,729
Miscellaneous Professional, Technical, and Managerial	4,171	3,882	2,266	1,639	1,905	2,243
Occupations in Social Sciences	3,393	3,882	2,156	1,777	1,837	2,105
Occupations in Art	2,619	2,613	1,505	1,200	1,114	1,413
Occupations in Law and Jurisprudence	1,051	982	580	505	471	477
Occupations in Writing	681	733	385	341	296	392
Miscellaneous	463	473	265	219	198	254
Occupations in Entertainment and Recreation	212	211	119	90	93	121
Occupations in Museum, Library, and Archival Sciences	164	157	107	76	57	81
Occupations in Religion and Theology	154	119	93	45	61	74
Sales Promotion Occupations	165	87	151	74	14	13
Occupation unknown	2,141	1,922	924	755	1,217	1,167

Notes: Occupations ranked based on FY 2013 data.

*N.E.C. indicates *not elsewhere classified*.

Table 8B. H-1B Petitions Approved by Major Occupation Group of Beneficiary and Type of Petition (Percent): FYs 2012 and 2013

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2012 Number	FY2013 Number	FY2012 Number	FY2013 Number	FY2012 Number	FY2013 Number
Occupation known	100	100	100	100	100	100
Computer-related occupations	59.0	59.8	61.0	62.3	56.8	57.9
Occupations in Architecture, Engineering, and Surveying	10.0	9.6	9.6	9.1	10.5	10.0
Occupations in Education	6.6	7.1	6.2	7.0	7.1	76.5
Occupations in Administrative Specializations	6.9	6.5	7.1	6.6	6.7	7.2
Occupations in Medicine and Health	5.4	6.0	4.1	4.4	6.7	7.3
Managers and Officials N.E.C.*	2.3	2.0	2.1	1.6	2.5	2.3
Occupations in Mathematics and Physical Sciences	1.9	1.8	1.8	1.9	2.0	1.8
Occupations in Life Sciences	1.8	1.8	1.8	2.0	1.8	1.7
Miscellaneous Professional, Technical, and Managerial	1.6	1.4	1.7	1.3	1.5	1.4
Occupations in Social Sciences	1.3	1.4	1.6	1.4	1.5	1.3
Occupations in Art	1.0	0.9	1.1	0.9	0.9	0.9
Occupations in Law and Jurisprudence	0.0	0.3	0.40.3	0.4	0.4	0.3
Occupations in Writing	0.3	0.3	0.30.2	0.3	0.2	0.2
Miscellaneous	0.2	0.2	0.20.1	0.2	0.2	0.2
Occupations in Entertainment and Recreation	0.1	0.1	0.1	0.1	0.1	0.1
Occupations in Museum, Library, & Archival Sciences	0.1	0.1	0.1	0.1	0.0	0.1
Occupations in Religion and Theology	0.1	0.0	0.10.0	0.0	0.0	0.0
Sales Promotion Occupations	0.1	0.0	0.1	0.1	0.0	0.0
Occupation unknown	0.8-	---0.7---	--0.7--	-----0.6	--1.0----	---0.7---

Notes: Occupations ranked based on FY 2013 data.

Sum of the percent may not add to 100 due to rounding.

Percentages shown in the table are based on the total number of petitions approved with known occupations.

*N.E.C. indicates *not elsewhere classified*.

Detailed Occupation

Tables 9A and 9B indicate the distribution of beneficiaries by detailed occupational category in FYs 2012 and 2013. Each table shows occupations arranged in descending order by the total number of beneficiaries approved in FY 2013. The list is limited to the top 20 categories. Fifty-one percent of approved petitions in 2013 were for aliens working as systems analysts or programmers. The second largest category was computer-related occupations.

Table 9A. H-1B Petitions Approved by Detailed Occupation of Beneficiary and Type of Petition (Number): FYs 2012 and 2013

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2012 Number	FY 2013 Number	FY 2012 Number	FY 2013 Number	FY 2012 Number	FY 2013 Number
Total	262,569	286,773	136,890	128,291	125,679	158,482
Occupation known	262,557	286,770	136,888	128,289	125,669	158,481
Occupations in Systems Analysis and Programming	134,037	145,437	73,092	69,166	60,945	76,271
Computer-Related Occupations, N.E.C.*	16,367	21,365	8,015	8,546	8,352	12,819
Occupations in College and University Education	12,992	15,362	6,902	7,635	6,090	7,727
Electrical/Electronics Engineering Occupations	9,854	10,752	5,049	4,586	4,805	6,166
Physicians and Surgeons	6,479	8,320	2,576	2,479	3,903	5,841
Accountants, Auditors, and Related Occupations	7,363	7,567	3,835	3,390	3,528	4,177
Mechanical Engineering Occupations	4,935	4,974	2,521	2,139	2,414	2,835
Occupations in Biological Sciences	3,576	3,906	1,886	1,884	1,690	2,022
Budget and Management Systems Analysis Occupations	3,777	3,870	2,132	1,806	1,645	2,064
Occupations in Administrative Specializations, N.E.C.*	3,639	3,848	1,923	1,754	1,716	2,094
Occupations in Architecture, Engineering, and Surveying, N.E.C.*	3,315	3,708	1,596	1,546	1,719	2,162
Misc Professional, Technical, and Managerial Occupations, N.E.C.*	3,914	3,580	2,128	1,494	1,786	2,086
Occupations in Economics	3,550	3,405	1,877	1,513	1,673	1,892
Occupations in Medicine and Health, N.E.C.*	2,825	3,165	1,405	1,340	1,420	1,825
Miscellaneous Managers and Officials, N.E.C.*	3,174	3,049	1,512	1,015	1,662	2,034
Therapists	2,120	2,403	766	842	1,354	1,561
Industrial Engineering Occupations	2,411	2,340	1,217	1,027	1,194	1,313
Occupations in Data Communications and Networks	2,112	2,260	1,154	945	958	1,315
Occupations in Computer System Technical Support	1,953	2,248	1,061	1,108	892	1,140
Occupations in Mathematics	1,772	2,069	832	880	940	1,189
Other Occupations	32,392	33,142	15,409	13,194	16,983	19,848
Occupation Unknown	12	3	2	2	10	1

Notes: Occupations ranked based on FY 2013 data.

*N.E.C. indicates *not elsewhere classified*.

Table 9B. H-1B Petitions Approved by Detailed Occupation of Beneficiary and Type of Petition (Percent): FYs 2012 and 2013

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2012 Percent	FY 2013 Percent	FY 2012 Percent	FY 2013 Percent	FY 2012 Percent	FY 2013 Percent
Total	-----	-----	-----	-----	-----	-----
Occupation known	100	100	100	100	100	100
Occupations in Systems Analysis and Programming	51.0	50.7	53.4	53.9	48.5	48.1
Computer-Related Occupations, N.E.C.*	6.2	7.5	5.9	6.7	6.6	8.1
Occupations in College and University Education	4.9	5.4	5.0	6.0	4.8	4.9
Electrical/Electronics Engineering Occupations	3.8	3.7	3.7	3.6	3.8	3.9
Physicians and Surgeons	2.5	2.9	1.9	1.9	3.1	3.7
Accountants, Auditors, and Related Occupations	2.8	2.6	2.8	2.6	2.8	2.6
Mechanical Engineering Occupations	1.9	1.7	1.8	1.7	1.9	1.8
Occupations in Biological Sciences	1.4	1.4	1.4	1.5	1.3	1.3
Budget and Management Systems Analysis Occupations	1.4	1.3	1.6	1.4	1.3	1.3
Occupations in Administrative Specializations, N.E.C.*	1.4	1.3	1.4	1.4	1.4	1.3
Occupations in Architecture, Engineering, and Surveying, N.E.C.*	1.3	1.3	1.2	1.2	1.4	1.4
Misc Professional, Technical, and Managerial Occupations, N.E.C.*	1.5	1.2	1.6	1.2	1.4	1.3
Occupations in Economics	1.4	1.2	1.4	1.2	1.3	1.2
Occupations in Medicine and Health, N.E.C.*	1.1	1.1	1.0	1.0	1.1	1.2
Miscellaneous Managers and Officials, N.E.C.*	1.2	1.1	1.1	0.8	1.3	1.3
Therapists	0.8	0.8	0.6	0.7	1.1	1.0
Industrial Engineering Occupations	0.9	0.8	0.9	0.8	1.0	0.8
Occupations in Data Communications and Networks	0.8	0.8	0.8	0.7	0.8	0.8
Occupations in Computer System Technical Support	0.7	0.8	0.8	0.9	0.7	0.7
Occupations in Mathematics	0.7	0.7	0.6	0.7	0.7	0.8
Other Occupations	12.3	11.6	11.3	10.3	13.5	12.6
Occupation Unknown	---0.0---	-0.0-----	-0.0-----	-0.0-----	-----0.0-	-----

Notes: Occupations ranked based on FY 2013 data.

Sum of the percent may not add to 100 due to rounding.

Percentages shown in the table are based on the total number of petitions approved with known occupations.

* N.E.C. indicates *not elsewhere classified*.

Section 3.6 – Distribution of petitions by annual compensation¹³

Tables 10, 11, and 12 show compensation by occupation for beneficiaries of all, initial, and continuing employment, respectively. Each table shows occupations arranged in descending order by the total number of beneficiaries approved in FY 2013. As shown in Table 10, the median annual compensation reported by employers of H-1B workers approved for employment during FY 2013 was \$72,000. The median annual compensation was \$70,000 in FY 2012. Half were expected to earn between \$60,000 and \$95,000. Median compensation ranged from a low of \$36,000 for occupations in religion and theology to a high of \$104,000 for sales promotion occupations.

Table 10. Annual Compensation (\$) of All H-1B Beneficiaries by Major Occupation Group: FY 2013 (Approvals)¹⁴

Occupation	Total Reported	25 th Percentile	Median	Mean	75 th Percentile
Total	284,884	60,000	72,000	82,000	95,000
Known Occupations with annual compensation	282,997	60,000	72,000	82,000	95,000
Computer-related Occupations	171,128	63,000	74,000	81,000	95,000
Occupations in Architecture, Engineering, and Surveying	27,312	66,000	82,000	86,000	100,000
Occupations in Education	20,237	42,000	51,000	62,000	69,000
Occupation in Administrative Specializations	18,496	49,000	65,000	76,000	91,000
Occupations in Medicine and Health	16,599	53,000	70,000	108,000	150,000
Managers and Officials	5,728	62,000	95,000	105,000	127,000
Occupations in Mathematics and Physical Sciences	5,271	57,000	75,000	80,000	97,000
Occupations in Life Sciences	5,227	43,000	51,000	60,000	70,000
Miscellaneous Professional, Technical, and Managerial Occupations	3,861	60,000	85,000	93,000	120,000
Occupations in Social Sciences	3,846	52,000	75,000	88,000	110,000
Occupations in Art	2,577	42,000	52,000	62,000	73,000
Occupations in Law and Jurisprudence	973	50,000	96,000	115,000	160,000
Occupations in Writing	726	37,000	55,000	57,000	70,000
Miscellaneous	467	36,000	44,000	48,000	58,000
Occupations in Entertainment and Recreation	204	31,000	39,000	51,000	53,000
Occupations in Museum, Library, and Archival Sciences	156	45,000	52,000	61,000	64,000
Occupations in Religion and Theology	116	25,000	36,000	41,000	47,000
Sales Promotion Occupations	73	75,000	104,000	142,000	156,000
Occupation unknown	1,887	53,000	70,000	80,000	94,000

Notes: Occupations ranked by number of beneficiaries.

¹³ Annual compensation refers to what the employer agreed to pay the beneficiary at the time the application was filed. The amount excludes non-cash compensation and benefits such as health insurance and transportation. Further, compensation is based on full-time employment for 12 months, even if the beneficiary worked fewer than 12 months.

¹⁴ The Fiscal Year 2012 report reflects detailed occupational groups, whereas the Fiscal Year 2010, 2011, and 2013 reports reflect major occupational groups, which capture data on the general categories of H-1B positions.

*N.E.C. indicates *not elsewhere classified*.

Definitions: Median is the middle ranking value (50th percentile) of all values.

Mean is the average of all values.

25th percentile and 75th percentile are the lower quarter and upper quarter ranking values, respectively.

As revealed in Tables 11 and 12, beneficiaries for continuing employment reported higher annual compensation than did beneficiaries for initial employment. Median annual compensation was \$80,000 for the former and \$65,000 for the latter. In FY 2013 workers approved for continuing employment and initial employment reported mean annual compensation of \$88,000 and \$74,000 respectively.

Table 11. Annual Compensation (\$) of H-1B Beneficiaries for Initial Employment by Major Occupation Group: FY 2013 (Approvals)¹⁵

Occupation	Total Reported	25 th Percentile	Median	Mean	75 th Percentile
Total	127,583	59,000	65,000	74,000	80,000
Known Occupations with annual compensation	126,835	59,000	65,000	74,000	80,000
Computer-related occupations	79,691	60,000	66,000	73,000	78,000
Occupations in Architecture, Engineering, and Surveying	11,563	61,000	75,000	81,000	94,000
Occupations in Education	8,930	41,000	50,000	61,000	68,000
Occupations in Administrative Specializations	8,342	45,000	58,000	67,000	75,000
Occupations in Medicine and Health	5,460	50,000	64,000	104,000	150,000
Occupations in Life Sciences	2,511	41,000	49,000	56,000	63,000
Occupations in Mathematics and Physical Sciences	2,384	52,000	67,000	73,000	89,000
Managers and Officials	2,054	55,000	80,000	99,000	120,000
Occupations in Social Sciences	1,760	47,000	65,000	77,000	95,000
Miscellaneous Professional, Technical, and Managerial Occupations	1,628	54,000	73,000	84,000	110,000
Occupations in Art	1,188	39,000	48,000	55,000	61,000
Occupations in Law and Jurisprudence	499	44,000	85,000	107,000	160,000
Occupations in Writing	339	33,000	50,000	52,000	63,000
Miscellaneous	217	35,000	41,000	46,000	54,000
Occupations in Entertainment and Recreation	86	31,000	38,000	49,000	54,000
Occupations in Museum, Library, and Archival Sciences	76	45,000	50,000	59,000	64,000
Sales Promotion Occupations	62	71,000	104,000	146,000	176,000
Occupations in Religion and Theology	45	23,000	28,000	32,000	36,000
Occupation unknown	748	48,000	63,000	74,000	85,000

Notes: Occupations ranked by the number of beneficiaries.

Definitions: Median is the middle ranking value (50th percentile) of all values.

Mean is the average of all values.

25th percentile and 75th percentile are the lower quarter and upper quarter ranking values, respectively.

¹⁵ The FY 2012 report reflects detailed occupational groups, whereas the FY 2010, 2011, and 2013 reports reflect major occupational groups, which capture data on the general categories of H-1B positions.

Table 12. Annual Compensation (\$) of H-1B Beneficiaries for Continuing Employment by Major Occupation Group: FY 2013 (Approvals)¹⁶

Occupation	Total Reported	25th Percentile	Median	Mean	75th Percentile
Total	157,301	64,000	80,000	88,000	104,000
Known Occupations with annual compensation	156,162	64,000	80,000	88,000	104,000
Computer-related occupations	91,437	68,000	85,000	89,000	104,000
Occupations in Architecture, Engineering, and Surveying	15,749	72,000	87,000	91,000	105,000
Occupation in Education	11,307	44,000	52,000	62,000	70,000
Occupations in Medicine and Health	11,139	55,000	75,000	110,000	150,000
Occupations in Administrative Specializations	10,154	53,000	72,000	82,000	100,000
Managers and Officials	3,674	68,000	100,000	108,000	130,000
Occupations in Mathematics and Physical Sciences	2,887	62,000	82,000	86,000	101,000
Occupations in Life Sciences	2,716	45,000	54,000	63,000	75,000
Miscellaneous Professional, Technical, and Managerial Occupations	2,233	65,000	95,000	100,000	122,000
Occupations in Social Sciences	2,086	62,000	89,000	97,000	120,000
Occupations in Art	1,389	45,000	57,000	67,000	81,000
Occupations in Law and Jurisprudence	474	55,000	105,000	123,000	185,000
Occupations in Writing	387	40,000	58,000	60,000	72,000
Miscellaneous	250	38,000	45,000	50,000	60,000
Occupations in Entertainment and Recreation	118	30,000	41,000	53,000	51,000
Occupations in Museum, Library, and Archival Sciences	80	43,000	54,000	62,000	64,000
Occupations in Religion and Theology	71	29,000	40,000	47,000	60,000
Sales Promotions Occupations	11	78,000	100,000	123,000	143,000
Occupation unknown	1,139	57,000	76,000	85,000	96,000

Notes: Occupations ranked by the number of beneficiaries.

Definitions: Median is the middle ranking value (50th percentile) of all values.

Mean is the average of all values.

25th percentile and 75th percentile are the lower quarter and upper quarter ranking values, respectively.

¹⁶ The FY 2012 report reflects detailed occupational groups, whereas the FY 2010, 2011, and 2013 reports reflect major occupational groups, which capture data on the general categories of H-1B positions.

Section 3.7 – Distribution of petitions by industry

Tables 13A and 13B show the industries that employed the most H-1B workers in FYs 2012 and 2013. The number of workers approved for all known industries increased 12 percent from 203,538 in FY 2012 to 229,434 in FY 2013.

Industry data are collected using the North American Industry Classification System (NAICS). Unlike country of birth, age, education, and occupation, USCIS does not verify the NAICS code, since the sponsor does not provide supporting documentation.

**Table 13A. H-1B Petitions Approved by Detailed Industry and Type of Petition
(Number) FYs 2012 and 2013**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2012 Number	FY 2013 Number	FY 2012 Number	FY 2013 Number	FY 2012 Number	FY 2013 Number
Total	262,569	286,773	136,890	128,291	125,679	158,482
Industry known	203,538	229,434	108,820	104,222	94,718	125,212
Custom Computer Programming Services	74,740	82,642	43,129	41,715	31,611	40,927
Computer System Design Services	25,910	24,149	14,629	11,289	11,281	12,860
Colleges, Universities, and Professional Schools	16,167	20,016	8,515	9,564	7,652	10,452
Computer Systems Design and Related Services	3,041	8,091	1,722	4,445	1,319	3,646
Software Publishers	5,367	6,280	2,582	2,108	2,765	4,172
General Medical and Surgical Hospitals	4,533	6,077	1,989	2,004	2,544	4,073
Other Computer Related Services	4,574	5,410	2,174	2,594	2,400	2,816
Management, Scientific, and Technical Consulting Services	4,915	5,073	4,306	3,790	609	1,283
Engineering Services	2,606	3,300	1,452	1,574	1,154	1,726
Administrative Management and General Management Consulting Services	2,605	2,739	1,483	1,345	1,122	1,394
Elementary and Secondary Schools	1,874	2,735	596	617	1,278	2,118
Offices of Physicians (except Mental Health Specialists)	2,173	2,685	838	856	1,355	1,829
Research and Development in the Physical, Engineering, and Life Sciences	2,366	2,635	1,148	1,113	1,218	1,522
Semiconductor and Related Device Manufacturing	2,132	2,160	1,115	852	1,017	1,308
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	1,940	2,125	1,120	920	820	1,205
Other Industries	48,595	53,317	22,022	19,436	26,573	33,881
Industry unknown	59,031	57,339	28,070	24,069	30,961	33,270

Notes: Industries ranked by total beneficiaries in FY 2013.
NAICS stands for North American Industry Classification System.

**Table 13B. H-1B Petitions Approved by Detailed Industry and Type of Petition
(Percent) FYs 2012 and 2013**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2012 Percent	FY2013 Percent	FY2012 Percent	FY2013 Percent	FY2012 Percent	FY2013 Percent
Total	100	100	100	100	100	100
Industry known	77.5	80.0	79.5	81.2	75.4	79.0
Custom Computer Programming Services	28.5	28.8	31.5	32.5	25.2	25.8
Computer System Design Services	9.9	8.4	10.7	8.8	9.0	8.1
Colleges, Universities, and Professional Schools	6.2	7.0	6.2	7.5	6.1	6.6
Software Publishers	1.2	2.8	1.3	3.5	1.0	2.3
General Medical and Surgical Hospitals	2.0	2.2	1.9	1.6	2.2	2.6
Other Computer Related Services	1.7	2.1	1.5	1.6	2.0	2.6
Management, Scientific, and Technical Consulting Services	1.7	1.9	1.6	2.0	1.9	1.8
Computer Systems Design and Related Services	1.9	1.8	3.1	3.0	0.5	0.8
Engineering Services	1.0	1.2	1.1	1.2	0.9	1.1
Administrative Management and General Management Consulting Services	1.0	1.0	1.1	1.0	0.9	0.9
Elementary and Secondary Schools	0.7	1.0	0.4	0.5	1.0	1.3
Offices of Physicians (except Mental Health Specialists)	0.8	0.9	0.6	0.7	1.1	1.2
Research and Development in the Physical, Engineering, and Life Sciences	0.9	0.9	0.8	0.9	1.0	1.0
Semiconductor and Related Device Manufacturing	0.8	0.8	0.8	0.7	0.8	0.8
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	0.7	0.7	0.8	0.7	0.7	0.8
Other Industries	18.5	18.6	16.1	15.1	21.1	21.4
Industry unknown	22.5	20.0	20.5	18.8	24.6	21.0

Notes: Industries ranked by total beneficiaries in FY 2013.

Sum of the percent may not add to 100 due to rounding.

Percentages shown are based on the total number of petitions approved with industry known.

NAICS stands for North American Industry Classification System

IV. Appendices

A. H-1B petition processing

Petitions for obtaining H-1B nonimmigrant classification for alien workers are submitted by prospective employers on USCIS Form I-129, Petition for a Nonimmigrant Worker, the H Classification Supplement to Form I-129, and the H-1B Data Collection and Filing Fee Exemption Supplement. The petitions are generally mailed to one of two USCIS Service Centers (St. Albans, Vermont, or Laguna Niguel, California) for processing, depending on the location of the beneficiary's worksite.

Upon receipt of a properly filed petition,¹⁷ each petition is stamped with its date of arrival at the service center. A clerk creates a paper file that contains the original petition as well as all supporting documentation. This file becomes the official file of record for all activities connected with the petition.

Biographical data (such as name, date of birth, and country of birth), as well as data on occupational and industry categories, are taken from the petition and entered by data entry clerks into the case tracking system Computer-Linked Application Information Management System (CLAIMS3). The computer system generates a unique receipt number for the file. After being sorted into potential cap subject and cap exempt cases, the file is assigned to an adjudicator.

The adjudicator evaluates whether there is adequate information in the file to approve or deny the petition, or whether a need for further information warrants a request for evidence or initiation of an administrative investigation. If sufficient evidence is available, the adjudicator makes a decision and enters the corresponding information into the tracking system. In the case of insufficient evidence, the adjudicator requests additional information from the sponsoring employer. The employer must respond to the request within a set period of time or the petition will be denied.

After petitions are adjudicated, the petition and supporting documentation are forwarded to either the USCIS records center in Harrisonburg, Virginia, for storage or the Kentucky Consular Center in Williamsburg, Kentucky, for consular processing.

B. Data Limitations

The data for the tables in this report have been extracted from a USCIS Service Center electronic data file. As such, errors in data may have occurred as a result of erroneous data submitted by

¹⁷ Petitions that are improperly filed (e.g., submitted without the correct supplements, proper signatures, or required fees) may be rejected by the service center. Rejected petitions are returned to the petitioner with any submitted fees. See 8 CFR 103.2(a)(7).

the petitioner, initial data entry errors at service centers, or improper electronic transfer from the service centers to USCIS Headquarters. Accordingly, some data elements in the above tables are “unknown.”

Minimal editing has been done to the data in this file and impossible or highly improbable values (such as beneficiaries younger than 16, except for fashion models) or beneficiaries (such as those working without compensation) have been defined as “unknown.” Information in electronic format is not available regarding the cities or states where H-1B workers are employed.