



NEWS RELEASE

Contact: Media Services
Office of Public Affairs
(202) 514-2648 Fax: (202) 514-1776

August 13, 2002

INS Announces FY 2002 H-1B Processing Through June 30

WASHINGTON, DC – The Immigration and Naturalization Service (INS) reported today that during the first three quarters of fiscal year (FY) 2002 (from October 1, 2001 to June 30, 2002), 60,500 individuals subject to the fiscal year limit were approved to begin employment in H-1B status. The limit in fiscal year 2002 is 195,000. By comparison, as of June 30, 2001, 130,700 individuals subject to the FY 2001 cap were approved by the INS to begin employment in H-1B status. Pending cap petitions for FY 2002 were an estimated 18,000 as of June 30, 2002.

Individuals counted against the H-1B cap comprise less than half of the total number approved for H-1B employment. The primary reason is that persons seeking extensions or modifications to current H-1B employment are not counted against the cap. In addition, persons working for employers statutorily exempt from the cap (such as institutions of higher education, or nonprofit research organizations) are not counted. Workers may have multiple petitions submitted on their behalf during the course of their H-1B employment (up to a maximum period of six years); however, they are only counted once against the cap if working for non-exempt employers, or never if always working with exempt employers.

During the first nine months of FY 2002, 159,000 H-1B petitions were filed for initial or continuing H-1B employment compared with 270,000 and 220,000 for the same period in FY 2001 and FY 2000 respectively. Petition filings declined by 41 percent between the first nine months of FY 2001 and the first nine months of FY 2002. In total, 147,600 petitions were approved during the first three quarters of FY 2002, of which 42,700 were filed prior to October 1, 2001.

Most H-1B petitions are filed, approved, and counted against the cap (if requesting initial employment) during the same fiscal year; however, the fiscal years can be different, especially for petitions filed or approved towards the end of a fiscal year. As reported in the preceding paragraph, about 42,700 of the 147,600 petitions approved so far in fiscal year 2002 were filed prior to the beginning of the fiscal year. Similarly, some of the H-1B petitions filed or approved in fiscal year 2001 can count against the cap in FY 2002. This situation occurs because the cap year is based on the date that the worker is authorized to begin employment, which usually follows the approval date.

