

Characteristics of Specialty Occupation Workers (H-1B)

Fiscal Year 2008, Annual Report
October 1, 2007 – September 30, 2008

May 1, 2009



Homeland
Security

Foreword

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I am pleased to present the following report, “Annual Report on Characteristics of Specialty Occupation Workers (H-1B) for Fiscal Year 2008” which has been prepared by U.S. Citizenship and Immigration Services. The report has been compiled in response to a legislative requirement accompanying the American Competitiveness and Workforce Improvement Act of 1998 (P.L. 105-277).

The report provides 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 (INA) during the previous fiscal year.

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

The Honorable Patrick Leahy
Chairman, Senate Judiciary Committee

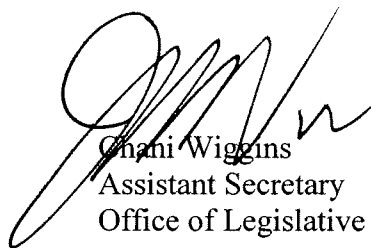
The Honorable Arlen Specter
Ranking Member, Senate Judiciary Committee

The Honorable John Conyers
Chairman, House Judiciary Committee

The Honorable Lamar Smith
Ranking Member, House Judiciary Committee

Inquiries relating to this report may be directed to the Department of Homeland Security Office of Legislative Affairs at (202) 447-5890.

Sincerely,



Ghani Wiggins
Assistant Secretary
Office of Legislative Affairs

Executive Summary

The American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, Division C, 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 INA during the previous fiscal year.

To fulfill this requirement, USCIS submits the following report for Fiscal Year 2008, October 1, 2007 – September 30, 2008.

Highlights

- The number of H-1B petitions filed decreased 5 percent from 304,877 in Fiscal Year 2007 to 288,764 in Fiscal Year 2008.
- The number of H-1B petitions approved decreased 2 percent from 281,444 in Fiscal Year 2007 to 276,252 in Fiscal Year 2008.
- Approximately 54 percent of all H-1B petitions approved in Fiscal Year 2008 were for workers born in India.
- Two-thirds of H-1B petitions approved in Fiscal Year 2008 were for workers between the ages of 25 and 34.
- Forty-three percent of H-1B petitions approved in Fiscal Year 2008 were for workers with a bachelor's degree, 41 percent had a master's degree, 11 percent had a doctorate, and 5 percent were for workers with a professional degree.
- Almost half of H-1B petitions approved in Fiscal Year 2008 were for workers in computer-related occupations.
- The median salary remained at \$60,000 in Fiscal Year 2008, the same as in Fiscal Years 2006 and 2007.

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I. Legislative Requirement

The American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, Division C, includes the following requirement under section 416(c)(2):

“...(T)he Attorney General 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.”

II. Background

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

The H-1B nonimmigrant classification is a vehicle through which qualified aliens may seek admission to the United States on a temporary basis to work in their fields of expertise. 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. However, while USCIS is responsible for evaluating an alien’s qualifications for the H-1B classification, approval of an H-1B petition does not guarantee admission of the alien to the U.S. in H-1B status. That vital role rests with the U.S. Department of State (DOS), who determines after the H-1B petition has been approved by USCIS whether a prospective alien employee can apply for a visa at a U.S. Embassy or Consulate abroad, and with Customs and Border Protection (CBP) who at a port-of-entry determine if the alien is admissible to the U.S.; as a visa alone does not guarantee entry into the United States.

The LCA specifies the job, salary, length and geographic location of employment. In addition, the employer must agree to pay the alien the greater of the actual or prevailing wage for the position. Once DOL approves the LCA, the U.S. employer may file the H-1B petition with USCIS.

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 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 United States baccalaureate 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 United States baccalaureate 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, as determined by USCIS, the equivalent of the degree required by the specialty occupation acquired through a combination of education, specialized training, and/or progressively responsible experience. Specialty occupations may include, but are not limited to, computer systems analysts and programmers, physicians, professors, engineers, and accountants.

An alien may be admitted to the United States in H-1B status for a maximum period of six years; however, the H-1B petition may only be approved for a maximum period of three years. See INA § 214(g)(4). Thus, 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. Additionally, an employer may file the petition to

¹ Section 214(i)(1) of the INA 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.” 8 U.S.C. §1184(i).

sponsor an alien who currently has status as an H-1B nonimmigrant working for another employer or to seek an amendment of a previously approved petition. In the case of a petition to amend a previously approved petition, no corresponding request need be made to extend the authorized stay of the beneficiary. For example, an employer may file an amended petition notifying USCIS of a different location where the beneficiary will be employed or a material change in the beneficiary's job duties. Therefore, the total number of approved petitions in any given fiscal year exceeds the actual number of aliens who are provided nonimmigrant status as H-1B. At the end of the six-year period, the alien must either change to a different status (if eligible) or depart the United States.² USCIS regulations provide that an alien who has been 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 established that a maximum of 65,000 H-1B visas may be issued to aliens 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 aliens who have been counted against the cap in the previous six years and who have not been outside of the United States for one year or longer. Thus, generally, petitions 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 filed on behalf of H-1B workers already in the United States will not count against the H-1B fiscal year cap. In addition, approved petitions for initial employment are exempt from the cap if the sponsors are institutions of higher education or nonprofit organizations affiliated with institutions of higher education or if the sponsors are nonprofit research organizations or governmental research organizations.

The INA, as amended by the Immigration Act of 1990, the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) and the American Competitiveness in the Twenty-first Century Act (AC21), made significant changes to policy and procedure governing the H-1B category, including providing temporary increases in the fiscal year limitations on available H-1B visas and providing for certain exemptions to these limitations. Under ACWIA, the annual ceiling of H-1B petitions valid for new employment was increased from 65,000 to 115,000 in Fiscal Years 1999 and 2000 and to 107,500 in Fiscal Year 2001. AC21 raised the limit on petitions in Fiscal Year 2001 from 107,500 to 195,000 and in Fiscal Year 2002 from 65,000 to 195,000. The limit in Fiscal Year 2003 was 195,000. Starting in Fiscal Year 2004, the H-1B cap reverted back to 65,000 per fiscal year and presently remains at that level. These statutory provisions also provided for certain exemptions from the fiscal year H-1B cap; petitions for new H-1B employment are exempt if the aliens will be employed at institutions of higher education or related or affiliated nonprofit entities, or at nonprofit research organizations or governmental research organizations. In addition, the H-1B Visa Reform Act of 2004 mandates that the first 20,000 H-1B petitions filed on behalf of aliens with U.S.-earned master's or higher degrees will be exempt from any fiscal year cap on available H-1B visas.

² Certain aliens are exempt from the six-year maximum period of admission under the provisions of the American Competitiveness in the Twenty-First Century Act of 2000 (AC21) (Public Law 106-313).

III. Data Report

Section 3.1 – General distribution of petitions

During Fiscal Year 2008, USCIS approved 276,252 H-1B petitions submitted by employers on behalf of alien workers. The number of approved petitions exceeds the number of individual H-1B workers because more than one U.S. employer may file a petition on behalf of an individual H-1B worker (multiple petitions). The number of approved H-1B petitions for initial employment also exceeds the cap because of beneficiary-based cap exemptions, such as for petitions filed on behalf of aliens with a U.S. advanced degree or employer-based cap exemptions, such as for petitions submitted by nonprofit research organizations or governmental research organizations.

Table 1 shows for Fiscal Year 2008 the number of petitions filed and/or approved for initial and continuing employment. Of the petitions approved in 2008, a total of 109,335 petitions or 40 percent were for initial employment.³ The corresponding number of petitions for continuing employment was 166,917.⁴ These workers may have had a second (or subsequent) petition filed on their behalf in order 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.

The number of H-1B petitions filed decreased 5 percent and petitions approved declined 2 percent between Fiscal Years 2007 and 2008. For initial employment, petitions filed increased 7 percent and petitions approved declined 9 percent. In contrast, petitions filed for continuing employment decreased 13 percent and petitions approved increased 3 percent.

**Table 1. H-1B Petitions Filed and/or Approved by Type of Petition:
Fiscal Years 2005 to 2008**

	FY 2005	FY 2006	FY 2007	FY 2008
Petitions filed	266,474	295,915	304,877	288,764
Initial Employment	117,536	121,724	114,222	122,634
Continuing Employment	148,938	174,191	190,655	166,130
Petitions approved¹	267,131	270,981	281,444	276,252
Initial Employment	116,927	109,614	120,031	109,335
Continuing Employment	150,204	161,367	161,413	166,917

¹ Regardless of when filed.

Table 2 shows the number of H-1B petitions filed by quarter in Fiscal Years 2005 to 2008. Filings for initial employment spiked in the third quarter of FY 2008, which is when the cap-subject petition filing

³ 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 employers, only some of which are applied to the annual cap. Continuing employment petitions refer to extensions, sequential employment, and concurrent employment, which are filed for aliens already in the United States. Extensions are filed for H-1B workers intending to work beyond the initial 3-year period up to 6 years, the maximum period 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 a second or subsequent H-1B employer.

⁴ Neither AC21 nor prior legislation established a cap on H-1B petitions for continuing employment.

season opened. By contrast, filings for continuing employment were fairly evenly distributed throughout FY 2008.

**Table 2. H-1B Petitions Filed by Quarter:
Fiscal Years 2005 to 2008**

Quarter	FY 2005	FY 2006	FY 2007	FY 2008	Initial Employment	Percent of Total	Continuing Employment	Percent of Total
Total	266,474	295,915	304,877	288,764	122,634	100	166,130	100
October-December	41,020	48,678	50,268	41,852	4,964	4.0	36,888	22.2
January-March	41,847	50,445	49,515	44,486	6,000	4.9	38,486	23.2
April-June	98,831	132,655	147,412	150,942	104,043	84.8	46,899	28.2
July-September	84,776	64,137	57,682	51,484	7,627	6.2	43,857	26.4

Table 3 provides a breakdown of approved petitions in Fiscal Years 2005 to 2008 by type of petition. More than 109,000 H-1B beneficiaries were approved for initial employment and nearly 167,000 for continuing employment in Fiscal Year 2008.

The number of aliens outside the United States approved for initial employment decreased from almost 61,000 in FY 2007 to 56,000 in Fiscal Year 2008. The corresponding numbers for aliens in the United States changing to H-1B status decreased from more than 59,000 in 2007 to 53,000 plus in 2008.

**Table 3. H-1B Petitions Approved by Type:
Fiscal Years 2005 to 2008**

Type of Petition	Petitions Approved							
	FY2005	Percent	FY2006	Percent	FY2007	Percent	FY2008	Percent
Total	267,131	100	270,981	100	281,444	100	276,252	100
Initial employment	116,927	44	109,614	40	120,031	43	109,335	40
Aliens outside U.S.	54,635	20	57,264	21	60,785	22	55,893	20
Aliens in U.S.	62,292	23	52,350	19	59,246	21	53,442	19
Continuing employment	150,204	56	161,367	60	161,413	57	166,917	60

Section 3.2 – Distribution of petitions by country of birth

Tables 4A and 4B show the distribution of beneficiaries by country of birth.⁵ Of the H-1B petitions approved in Fiscal Year 2008, 54 percent reported that the beneficiary was born in India. The second most prevalent country of birth of H-1B beneficiaries was China, representing 8.8 percent of all beneficiaries. The number of beneficiaries from India approved for initial employment decreased 7 percent in 2008, while the number of beneficiaries approved for continuing employment increased 8 percent over FY 2007.

Table 4A. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of Petition (Number): Fiscal Years 2007 and 2008

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2007 Number	FY 2008 Number	FY 2007 Number	FY 2008 Number	FY 2007 Number	FY 2008 Number
Total	281,444	276,252	120,031	109,335	161,413	166,917
India	147,559	149,629	66,504	61,739	81,055	87,890
China, People's Republic	24,497	24,174	10,890	9,157	13,607	15,017
Canada	11,038	10,681	3,972	3,968	7,066	6,713
Philippines	9,380	9,606	3,696	3,957	5,684	5,649
Korea	7,663	6,988	3,612	3,029	4,051	3,959
United Kingdom	5,348	4,494	1,499	1,333	3,849	3,161
Japan	4,534	4,312	1,584	1,334	2,950	2,978
Mexico	3,803	3,721	1,476	1,375	2,327	2,346
Taiwan	4,046	3,708	1,997	1,818	2,049	1,890
Pakistan	3,634	3,509	1,302	1,315	2,332	2,194
Colombia	2,776	2,619	826	740	1,950	1,879
France	2,755	2,526	1,005	879	1,750	1,647
Turkey	2,587	2,481	1,196	1,054	1,391	1,427
Germany	2,646	2,426	994	895	1,652	1,531
Venezuela	2,306	2,022	717	579	1,589	1,443
Brazil	2,246	2,010	894	784	1,352	1,226
Russia	2,137	1,796	665	541	1,472	1,255
Argentina	1,561	1,460	460	400	1,101	1,060
Nepal	1,274	1,406	729	783	545	623
Malaysia	1,646	1,283	521	373	1,125	910
Other countries	38,008	35,401	15,492	13,282	22,516	22,119

Notes: Countries of birth are ranked based on 2008 data.

⁵ Data actually represent countries and territories of birth.

Table 4B. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of Petition (Percent): Fiscal Years 2007 and 2008

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2007 Percent	FY 2008 Percent	FY 2007 Percent	FY 2008 Percent	FY 2007 Percent	FY 2008 Percent
Total	-----	-----	-----	-----	-----	-----
Country of birth	100	100	100	100	100	100
India	52.4	54.2	55.4	56.5	50.2	52.7
China, People's Republic	8.7	8.8	9.1	8.4	8.4	9.0
Canada	3.9	3.9	3.3	3.6	4.4	4.0
Philippines	3.3	3.5	3.1	3.6	3.5	3.4
Korea	2.7	2.5	3.0	2.8	2.5	2.4
United Kingdom	1.9	1.6	1.2	1.2	2.4	1.9
Japan	1.6	1.6	1.3	1.2	1.8	1.8
Mexico	1.4	1.3	1.2	1.3	1.4	1.4
Taiwan	1.4	1.3	1.7	1.7	1.3	1.1
Pakistan	1.3	1.3	1.1	1.2	1.4	1.3
Colombia	1.0	0.9	0.7	0.7	1.2	1.1
France	1.0	0.9	0.8	0.8	1.1	1.0
Turkey	0.9	0.9	1.0	1.0	0.9	0.9
Germany	0.9	0.9	0.8	0.8	1.0	0.9
Venezuela	0.8	0.7	0.6	0.5	1.0	0.9
Brazil	0.8	0.7	0.7	0.7	0.8	0.7
Russia	0.8	0.7	0.6	0.5	0.9	0.8
Argentina	0.6	0.5	0.4	0.4	0.7	0.6
Nepal	0.5	0.5	0.6	0.7	0.3	0.4
Malaysia	0.6	0.5	0.4	0.3	0.7	0.5
Other countries	13.5	12.8	12.9	12.1	13.9	13.3

Notes: Countries of birth are ranked based on 2008 data.
Sum of the percents may not add to 100.0 due to rounding.

Section 3.3 – Distribution of petitions by age

Table 5 shows the age distribution of the H-1B beneficiaries in Fiscal Year 2008 by type of petition. Sixty-six percent of workers granted H-1B status during FY 2008 were between 25 and 34 years of age at the time their petitions were approved. Sixty percent of initial beneficiaries were under 30, compared with 29 percent of continuing beneficiaries.

Table 5. H-1B Petitions Approved by Age of Beneficiary at Time of Approval and by Type of Petition: Fiscal Year 2008

Age	All Beneficiaries	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	276,252		109,335		166,917	
Age known	276,052	100	109,259	100	166,793	100
Under 20	77	0.0	63	0.1	14	0.0
20-24	20,675	7.5	18,339	16.8	2,336	1.4
25-29	93,133	33.7	47,233	43.2	45,900	27.5
30-34	89,490	32.4	26,229	24.0	63,261	37.9
35-39	42,655	15.5	10,319	9.4	32,336	19.4
40-44	17,141	6.2	4,026	3.7	13,115	7.9
45-49	7,356	2.7	1,761	1.6	5,595	3.4
50-54	3,229	1.2	759	0.7	2,470	1.5
55-59	1,461	0.5	349	0.3	1,112	0.7
60-64	576	0.2	128	0.1	448	0.3
65 and over	259	0.1	53	0.0	206	0.1
Age unknown	200	-----	76	-----	124	-----

Notes: Age of beneficiary is calculated based on the date the petition was approved.

Sum of the percents may not add to 100.0 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 the filing of the petition. Employers are asked to provide the highest degree (domestic or foreign), 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 about the same between Fiscal Years 2007 and 2008. As shown in Table 6, 43 percent of all H-1B petitions approved for workers in 2008 reported that the beneficiary had earned the equivalent of a bachelor’s degree; 41 percent a master’s degree; 11 percent a doctorate, and 5 percent a professional degree. Altogether, 99 percent had earned at least a bachelor’s degree and 57 percent had earned at least a master’s degree.

**Table 6. H-1B Petitions Approved by Level of Education:
Fiscal Years 2005-2008**

Level of Education	FY 2005	FY 2006	FY 2007	FY 2008
Education known	100	100	100	100
Less than a Bachelor's degree	1	1	1	1
Bachelor's degree	45	45	44	43
Master's degree	37	39	40	41
Doctorate degree	12	11	10	11
Professional degree	5	5	5	5

Note: Sum of percents may not sum to 100 due to rounding.

**Table 7. H-1B Petitions Approved by Level of Education of Beneficiary
and Type of Petition: Fiscal Year 2008**

Level of Education	All Beneficiaries	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	276,252		109,335		166,917	
Education known	276,221	100	109,326	100	166,895	100
No high school diploma	165	0.1	80	0.1	85	0.1
High school graduate	490	0.2	174	0.2	316	0.2
Less than 1 year of college credit	102	0.0	19	0.0	83	0.0
1 or more years of college credit, no diploma	571	0.2	175	0.2	396	0.2
Associate's degree	539	0.2	195	0.2	344	0.2
Bachelor's degree	118,882	43.0	47,613	43.6	71,269	42.7
Master's degree	112,106	40.6	43,441	39.7	68,665	41.1
Doctorate degree	30,076	10.9	12,698	11.6	17,378	10.4
Professional degree	13,290	4.8	4,931	4.5	8,359	5.0
Education unknown	31	-----	9	-----	22	-----

Notes: Sum of the percents may not add to 100.0 due to rounding.

Percents 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 Fiscal Years 2007 and 2008. The petitioning employer supplies the occupation code on the Labor Condition Application (LCA).⁶ Computer-related occupations were the most numerous occupational categories in 2008; their share of total petitions approved remained constant at 50 percent in Fiscal Year 2008. The corresponding shares for initial employment and continuing employment in computer-related occupations were 53 and 47 percent, respectively. All 17 occupational categories had more continuing than initial H-1B beneficiaries.

The number of H-1B petitions approved for workers in computer-related occupations decreased 2 percent from 139,628 in 2007 to 137,010 in 2008. The remaining occupation groups decreased 1 percent between 2007 and 2008.

Table 8A. H-1B Petitions Approved by Major Occupation Group of Beneficiary and Type of Petition (Number): Fiscal Years 2007 and 2008

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2007 Number	FY2008 Number	FY2007 Number	FY2008 Number	FY2007 Number	FY2008 Number
Total	281,444	276,252	120,031	109,335	161,413	166,917
Occupation known	280,497	276,080	119,813	109,228	160,684	166,852
Computer-related occupations	139,628	137,010	62,268	58,074	77,360	78,936
Occupations in Architecture, Engineering and Surveying	31,866	30,062	12,116	10,021	19,750	20,041
Occupations in Education	26,107	28,880	12,530	12,339	13,577	16,541
Occupations in Administrative Specializations	25,099	23,346	9,737	7,966	15,362	15,380
Occupations in Medicine and Health	16,367	17,778	6,949	6,949	9,418	10,829
Managers and Officials n.e.c.*	9,796	8,904	2,818	2,288	6,978	6,616
Occupations in Life Sciences	6,946	6,990	3,036	2,816	3,910	4,174
Occupations in Mathematics and Physical Sciences	5,879	5,933	2,724	2,388	3,155	3,545
Miscellaneous Professional, Technical, and Managerial	5,586	5,114	2,164	1,794	3,422	3,320
Occupations in Social Sciences	5,698	4,914	2,341	1,914	3,357	3,000
Occupations in Art	3,168	2,898	1,105	972	2,063	1,926
Occupations in Law and Jurisprudence	1,658	1,556	784	727	874	829
Occupations in Writing	1,243	1,025	455	347	788	678
Occupations in Entertainment and Recreation	531	593	223	238	308	355
Fashion Models	512	476	349	151	163	325
Occupations in Museum, Library & Archival Sciences	286	344	133	143	153	201
Occupations in Religion and Theology	127	257	81	101	46	156
Occupation unknown	947	172	218	107	729	65

Notes: Occupations ranked based on 2008 data.

* n.e.c. indicates *not elsewhere classified*.

⁶ H-1B status requires a sponsoring U.S. employer. The employer must file a Labor Condition Application (LCA) with the Department of Labor attesting to several items, including payment of prevailing wages for the position, and the working conditions offered.

Table 8B. H-1B Petitions Approved by Major Occupation Group of Beneficiary and Type of Petition (Percent): Fiscal Years 2007 and 2008

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2007 Number	FY2008 Number	FY2007 Number	FY2008 Number	FY2007 Number	FY 2008 Number
Occupation known	100	100	100	100	100	100
Computer-related occupations	49.8	49.6	52.0	53.2	48.1	47.3
Occupations in Architecture, Engineering, and Surveying	11.4	10.9	10.1	9.2	12.3	12.0
Occupations in Education	9.3	10.5	10.5	11.3	8.4	9.9
Occupations in Administrative Specializations	8.9	8.5	8.1	7.3	9.6	9.2
Occupations in Medicine and Health	5.8	6.4	5.8	6.4	5.9	6.5
Managers and Officials n.e.c.*	3.5	3.2	2.4	2.1	4.3	4.0
Occupations in Life Sciences	2.5	2.5	2.5	2.6	2.4	2.5
Occupations in Mathematics and Physical Sciences	2.1	2.1	2.3	2.2	2.0	2.1
Miscellaneous Professional, Technical, and Managerial	2.0	1.9	1.8	1.6	2.1	2.0
Occupations in Social Sciences	2.0	1.8	2.0	1.8	2.1	1.8
Occupations in Art	1.1	1.0	0.9	0.9	1.3	1.2
Occupations in Law and Jurisprudence	0.6	0.6	0.7	0.7	0.5	0.5
Occupations in Writing	0.4	0.4	0.4	0.3	0.5	0.4
Occupations in Entertainment and Recreation	0.2	0.2	0.2	0.2	0.2	0.2
Fashion Models	0.2	0.2	0.3	0.1	0.1	0.2
Occupations in Museum, Library, and Archival Sciences	0.1	0.1	0.1	0.1	0.1	0.1
Occupations in Religion and Theology	0.0	0.1	0.1	0.1	0.0	0.1
Occupation unknown	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked based on 2008 data.

Sum of the percents may not add to 100.0 due to rounding.

Percents 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 Fiscal Years 2007 and 2008. Each table shows occupations arranged in descending order by the total number of beneficiaries approved in Fiscal Year 2008. The relative distributions in 2007 and 2008 were similar. The list is limited to the top 20 categories. Forty-four percent of approved petitions in 2008 were for aliens working as systems analysts or programmers. The second largest category was occupations in colleges and university education.

Table 9A. H-1B Petitions Approved by Detailed Occupation of Beneficiary and Type of Petition (Number): Fiscal Years 2007 and 2008

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2007 Number	FY 2008 Number	FY 2007 Number	FY 2008 Number	FY 2007 Number	FY 2008 Number
Total	281,444	276,252	120,031	109,335	161,413	166,917
Occupation known	280,479	275,654	119,805	109,097	160,674	166,557
Occupations in Systems Analysis and Programming	123,986	120,673	57,051	52,984	66,935	67,689
Occupations in College and University Education	18,372	20,139	9,028	8,891	9,344	11,248
Computer-Related Occupations, n.e.c.*	11,290	11,826	3,768	3,527	7,522	8,299
Accountants, Auditors, and Related Occupations	11,097	10,455	4,076	3,259	7,021	7,196
Electrical/Electronics Engineering Occupations	10,297	9,861	3,690	3,168	6,607	6,693
Physicians and Surgeons	7,459	7,819	3,051	2,788	4,408	5,031
Mechanical Engineering Occupations	4,953	4,838	1,938	1,667	3,015	3,171
Occupations in Biological Sciences	4,715	4,835	2,082	2,005	2,633	2,830
Misc Professional, Technical, and Managerial Occupations, n.e.c.*	5,015	4,496	1,888	1,505	3,127	2,991
Occupations In Economics	5,177	4,392	2,063	1,631	3,114	2,761
Miscellaneous Managers and Officials, n.e.c.*	4,839	4,374	1,361	1,050	3,478	3,324
Budget and Management Systems Analysis Occupations	4,618	4,334	2,087	1,815	2,531	2,519
Occupations in Administrative Specializations, n.e.c.*	4,485	4,169	1,940	1,526	2,545	2,643
Occupations in Architecture, Engineering, and Surveying, n.e.c.*	4,393	3,967	1,502	1,250	2,891	2,717
Occupations in Medicine And Health, n.e.c.*	3,333	3,751	1,537	1,634	1,796	2,117
Occupations in Preschool, Primary School, and Kindergarten Education	3,075	3,482	1,301	1,170	1,774	2,312
Civil Engineering Occupations	3,877	3,479	1,624	1,204	2,253	2,275
Occupations in Secondary School Education	3,010	3,418	1,359	1,468	1,651	1,950
Occupations in Data Communications and Networks	2,653	2,935	956	1,175	1,697	1,760
Architectural Occupations	2,873	2,600	995	789	1,878	1,811
Other Occupations	40,962	39,811	16,508	14,591	24,454	25,220
Occupation Unknown	965	598	226	238	739	360

Notes: Occupations ranked on 2008 data.

*n.e.c. indicates not elsewhere classified.

**Table 9B. H-1B Petitions Approved by Detailed Occupation of Beneficiary
and Type of Petition (Percent): Fiscal Years 2007 and 2008**

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2007 Percent	FY 2008 Percent	FY 2007 Percent	FY 2008 Percent	FY 2007 Percent	FY 2008 Percent
Total	-----	-----	-----	-----	-----	-----
Occupation known	100	100	100	100	100	100
Occupations in Systems Analysis and Programming	44.2	43.8	47.6	48.6	41.7	40.6
Occupations in College and University Education	6.6	7.3	7.5	8.1	5.8	6.8
Computer-Related Occupations, n.e.c.*	4.0	4.3	3.1	3.2	4.7	5.0
Accountants, Auditors, and Related Occupations	4.0	3.8	3.4	3.0	4.4	4.3
Electrical/Electronics Engineering Occupations	3.7	3.6	3.1	2.9	4.1	4.0
Physicians and Surgeons	2.7	2.8	2.5	2.6	2.7	3.0
Mechanical Engineering Occupations	1.8	1.8	1.6	1.5	1.9	1.9
Occupations in Biological Sciences	1.7	1.8	1.7	1.8	1.6	1.7
Misc Professional, Technical, and Managerial Occupations, n.e.c.*	1.8	1.6	1.6	1.4	1.9	1.8
Occupations In Economics	1.8	1.6	1.7	1.5	1.9	1.7
Miscellaneous Managers and Officials, n.e.c.*	1.7	1.6	1.1	1.0	2.2	2.0
Budget and Management Systems Analysis Occupations	1.6	1.6	1.7	1.7	1.6	1.5
Occupations in Administrative Specializations, n.e.c.*	1.6	1.5	1.6	1.4	1.6	1.6
Occupations in Architecture, Engineering, and Surveying, n.e.c.*	1.6	1.4	1.3	1.1	1.8	1.6
Occupations in Medicine And Health, n.e.c.*	1.2	1.4	1.3	1.5	1.1	1.3
Occupations in Preschool, Primary School, and Kindergarten Education	1.1	1.3	1.1	1.1	1.1	1.4
Civil Engineering Occupations	1.4	1.3	1.4	1.1	1.4	1.4
Occupations in Secondary School Education	1.1	1.2	1.1	1.3	1.0	1.2
Occupations in Data Communications and Networks	0.9	1.1	0.8	1.1	1.1	1.1
Architectural Occupations	1.0	0.9	0.8	0.7	1.2	1.1
Other Occupations	14.6	14.4	13.8	13.4	15.2	15.1
Occupation Unknown	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked on 2008 data
Sum of the percents may not add to 100.0 due to rounding.
Percents 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 compensation⁷

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 Fiscal Year 2008. As shown in Table 10, the median annual compensation reported by employers of H-1B workers approved for employment during Fiscal Year 2008 was \$60,000. This number compares with \$60,000 in 2007 and 2006. One-half were expected to earn between \$50,000 and \$83,000. Median compensation ranged from a low of \$35,500 for occupations in religion and theology to a high of \$125,000 for occupations in law and jurisprudence.

**Table 10. Annual Compensation (\$) of All H-1B Beneficiaries by Major Occupation
Group: Fiscal Year 2008**

Occupation	Total Reported	25 th Percentile	Median	Mean	75 th Percentile
Total	274,217	50,000	60,000	71,000	83,000
Occupations with annual compensation known	273,632	50,000	60,000	71,000	83,000
Computer-related occupations	136,581	55,000	61,000	70,000	81,000
Occupations in Architecture, Engineering, and Surveying	29,919	58,000	70,000	75,000	87,000
Occupations in Education	28,665	39,000	45,000	54,000	60,000
Occupations in Administrative Specializations	23,109	45,000	60,000	67,000	82,000
Occupations in Medicine and Health	17,139	47,000	58,000	89,000	114,000
Managers and Officials n.e.c.*	8,859	55,000	84,000	93,000	114,000
Occupations in Life Sciences	6,960	39,000	45,000	55,000	62,000
Occupations in Mathematics and Physical Sciences	5,906	51,000	68,000	72,000	87,000
Miscellaneous Professional, Technical, and Managerial	5,076	48,000	72,000	80,000	102,000
Occupations in Social Sciences	4,866	46,000	65,000	76,000	95,000
Occupations in Art	2,866	38,000	49,000	57,000	70,000
Occupations in Law and Jurisprudence	1,543	55,000	125,000	125,000	170,000
Occupations in Writing	1,010	34,000	43,000	49,000	58,000
Occupations in Entertainment and Recreation	458	30,000	37,500	44,000	48,000
Occupations in Museum, Library, and Archival Sciences	256	38,500	46,000	52,000	56,000
Fashion Models	249	100,000	100,000	155,000	200,000
Occupations in Religion and Theology	170	29,000	35,500	38,000	46,000
Occupation unknown	585	42,000	55,000	65,000	76,000

Notes: Occupations ranked by number of beneficiaries.

* n.e.c. indicates *not elsewhere classified*.

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

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

⁷ 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 actually worked fewer than 12 months.

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 \$70,000 for the former and \$57,000 for the latter. In Fiscal Year 2008 workers approved for continuing employment and initial employment reported mean annual compensation of \$76,000 and \$62,000 respectively.

Table 11. Annual Compensation (\$) of H-1B Beneficiaries for Initial Employment by Major Occupation Group: Fiscal Year 2008

Occupation	Total Reported	25 th Percentile	Median	Mean	75 th Percentile
Total	108,684	48,000	57,000	62,000	65,000
Occupations with annual compensation known	108,452	48,000	57,000	62,000	65,000
Computer-related occupations	57,972	52,000	60,000	60,000	61,000
Occupations in Education	12,271	37,000	43,000	52,000	56,000
Occupations in Architecture, Engineering, and Surveying	9,972	54,000	65,000	69,000	80,000
Occupations in Administrative Specializations	7,880	41,000	51,000	59,000	65,000
Occupations in Medicine and Health	6,751	44,000	52,000	76,000	75,000
Occupations in Life Sciences	2,809	37,000	42,000	49,000	55,000
Occupations in Mathematics and Physical Sciences	2,378	48,000	60,000	66,000	80,000
Managers and Officials n.e.c.*	2,276	49,000	70,000	83,000	100,000
Occupations in Social Sciences	1,899	42,000	60,000	68,000	90,000
Miscellaneous Professional, Technical, and Managerial	1,776	40,000	59,000	68,000	90,000
Occupations in Art	956	35,000	42,000	47,000	52,000
Occupations in Law and Jurisprudence	723	48,000	135,000	116,000	160,000
Occupations in Writing	341	30,000	36,000	41,000	46,000
Occupations in Entertainment and Recreation	146	28,000	33,000	40,000	45,000
Occupations in Religion and Theology	105	28,000	33,000	38,000	45,000
Occupations in Museum, Library, and Archival Sciences	101	37,000	45,000	49,000	53,000
Fashion Models	96	100,000	100,500	172,000	195,000
Occupation unknown	232	39,000	48,000	54,000	62,000

Notes: Occupations ranked by the number of beneficiaries.

* n.e.c. indicates *not elsewhere classified*.

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

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

Table 12. Annual Compensation (\$) of H-1B Beneficiaries for Continuing Employment by Major Occupation Group: Fiscal Year 2008

Occupation	Total Reported	25th Percentile	Median	Mean	75th Percentile
Total	165,533	55,000	70,000	76,000	90,000
Occupations with annual compensation known	165,180	55,000	70,000	76,000	90,000
Computer-related occupations	78,609	60,000	74,000	77,000	90,000
Occupations in Architecture, Engineering, and Surveying	19,947	60,000	74,000	78,000	90,000
Occupations in Education	16,394	40,000	48,000	56,000	62,000
Occupations in Administrative Specializations	15,229	48,000	65,000	72,000	88,000
Occupations in Medicine and Health	10,388	49,000	68,000	97,000	125,000
Managers and Officials n.e.c.*	6,583	60,000	89,000	97,000	119,000
Occupations in Life Sciences	4,151	41,000	49,000	60,000	67,000
Occupations in Mathematics and Physical Sciences	3,528	54,000	72,000	76,000	90,000
Miscellaneous Professional, Technical, and Managerial	3,300	55,000	80,000	86,000	108,000
Occupations in Social Sciences	2,967	50,000	73,000	81,000	100,000
Occupations in Art	1,910	41,000	54,000	61,000	75,000
Occupations in Law and Jurisprudence	820	60,000	120,000	133,000	185,000
Occupations in Writing	669	36,000	46,000	53,000	62,000
Occupations in Entertainment and Recreation	312	31,000	39,000	45,000	50,000
Occupations in Museum, Library, and Archival Sciences	155	39,000	46,000	54,000	60,000
Fashion Models	153	100,000	100,000	144,000	200,000
Occupations in Religion and Theology	65	31,000	38,000	39,000	48,000
Occupation unknown	353	45,000	62,000	72,000	87,000

Notes: Occupations ranked by the number of beneficiaries.

* n.e.c. indicates *not elsewhere classified*.

Definitions: Median is the middle ranking value (50th percentile) of all values.
25th percentile and 75th percentile are the lower quarter and upper quarter ranking values, respectively.

Section 3.7 – Distribution of petitions by industry

Tables 13A and 13B show the industries that employed the most H-1B workers in Fiscal Years 2007 and 2008. The number of workers approved for all known industries increased 5 percent from 263,288 in Fiscal Year 2007 to 276,252 in Fiscal Year 2008. Among the top ten industries, three experienced an increase in FY 2008 ranging from 2 percent (General Medical and Surgical Hospitals) to 17 percent (elementary and secondary schools). The remaining seven industries experienced a decrease ranging from -2 percent (Accounting, Tax Preparation, Bookkeeping, & Payroll Services) to -10 percent (Scientific Research and Development Services).

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)
Fiscal Years 2007 and 2008**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2007 Number	FY 2008 Number	FY 2007 Number	FY 2008 Number	FY 2007 Number	FY 2008 Number
Total	281,444	295,340	120,031	115,381	161,413	179,959
Industry known	263,288	276,252	113,868	109,335	149,420	166,917
Computer Systems Design & Related Services	111,148	108,970	56,505	52,829	54,643	56,141
Colleges, Universities & Professional Schools	23,804	26,145	11,413	11,318	12,391	14,827
Architectural, Engineering, & Related Services	11,271	10,420	4,377	3,557	6,894	6,863
Management, Scientific, & Technical Consulting Services	8,902	8,654	3,460	3,008	5,442	5,646
Elementary and Secondary Schools	6,438	7,537	2,969	2,990	3,469	4,547
Scientific Research and Development Services	7,030	6,321	2,962	2,414	4,068	3,907
General Medical and Surgical Hospitals	5,993	6,111	2,816	2,660	3,177	3,451
Securities & Commodity Contracts Intermediation & Brokerage	6,587	5,953	1,906	1,797	4,681	4,156
Semiconductor & Other Electronic Component Manufacturing	4,939	4,537	1,711	1,337	3,228	3,200
Accounting, Tax Preparation, Bookkeeping & Payroll Services	4,509	4,424	1,820	1,550	2,689	2,874
Computer and Peripheral Equipment Manufacturing	3,584	3,531	870	888	2,714	2,643
Other Financial Investment Activities	2,419	2,677	774	784	1,645	1,893
Offices of Physicians	2,687	2,659	913	821	1,774	1,838
Software Publishers	1,466	1,982	400	431	1,066	1,551
Communications Equipment Manufacturing	2,227	1,882	560	341	1,667	1,541
Health and Personal Care Stores	1,650	1,874	466	418	1,184	1,456
Pharmaceutical and Medicine Manufacturing	1,712	1,794	568	454	1,144	1,340
Offices of Other Health Practitioners	1,501	1,634	735	722	766	912
Legal Services	1,573	1,548	734	703	839	845
Other Professional, Scientific & Technical Services	1,612	1,498	625	453	987	1,045
Other industries	52,236	66,101	17,284	19,860	34,952	46,241
Industry unknown	18,156	19,088	6,163	6,046	11,993	13,042

Notes: Industries ranked by total beneficiaries in 2008
NAICS - North American Industry Classification System

**Table 13B. H-1B Petitions Approved by Detailed Industry and Type of Petition (Percent)
Fiscal Years 2007 and 2008**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2007 Percent	FY2008 Percent	FY2007 Percent	FY2008 Percent	FY2007 Percent	FY2008 Percent
Total	-----	-----	-----	-----	-----	-----
Industry known	100	100	100	100	100	100
Computer Systems Design & Related Services	42.2	39.4	49.6	48.3	36.6	33.6
Colleges, Universities & Professional Schools	9.0	9.5	10.0	10.4	8.3	8.9
Architectural, Engineering & Related Services	4.3	3.8	3.8	3.3	4.6	4.1
Management, Scientific & Technical Consulting Services	3.4	3.1	3.0	2.8	3.6	3.4
Elementary and Secondary Schools	2.4	2.7	2.6	2.7	2.3	2.7
Scientific Research and Development Services	2.7	2.3	2.6	2.2	2.7	2.3
General Medical and Surgical Hospitals	2.3	2.2	2.5	2.4	2.1	2.1
Securities & Commodity Contracts Intermediation & Brokerage	2.5	2.2	1.7	1.6	3.1	2.5
Semiconductor & Other Electronic Component Manufacturing	1.9	1.6	1.5	1.2	2.2	1.9
Accounting, Tax Preparation, Bookkeeping, & Payroll Services	1.7	1.6	1.6	1.4	1.8	1.7
Computer and Peripheral Equipment Manufacturing	1.4	1.3	0.8	0.8	1.8	1.6
Other Financial Investment Activities	0.9	1.0	0.7	0.7	1.1	1.1
Offices of Physicians	1.0	1.0	0.8	0.8	1.2	1.1
Software Publishers	0.6	0.7	0.4	0.4	0.7	0.9
Communications Equipment Manufacturing	0.8	0.7	0.5	0.3	1.1	0.9
Health and Personal Care Stores	0.6	0.7	0.4	0.4	0.8	0.9
Pharmaceutical and Medicine Manufacturing	0.7	0.6	0.5	0.4	0.8	0.8
Offices of Other Health Practitioners	0.6	0.6	0.6	0.7	0.5	0.5
Legal Services	0.6	0.6	0.6	0.6	0.6	0.5
Other Professional, Scientific & Technical Services	0.6	0.5	0.5	0.4	0.7	0.6
Other industries	19.8	23.9	15.2	18.2	23.4	27.7
Industry unknown	-----	-----	-----	-----	-----	-----

Notes: Industries ranked by total beneficiaries in 2008.
Sum of the percents may not add to 100 due to rounding.
Percents shown are based on the total number of petitions approved with industry known.
NAICS stands for North American Industry Classification System

IV. Appendix

Section 4.1 – H-1B petition processing

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

Upon receipt, 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, is entered from the petition by data entry clerks into the case tracking system Computer-Linked Application Information Management System (CLAIMS3). The computer system generates a unique number for the file, known as a receipt number. After being sorted into potential cap and non-cap cases, the file is distributed to an adjudicator.

The adjudicator then determines whether there is adequate information in the file to approve or deny the petition. If sufficient evidence is available, the adjudicator makes a decision and enters the corresponding information into the tracking system. Otherwise, the adjudicator seeks additional information from the sponsoring employer. The employer must respond within a set period of time or the petition will be denied.

After petitions are adjudicated, the associated paper files are forwarded either to the USCIS records center in Harrisonburg, Virginia for storage or to the Kentucky Consular Center in Williamsburg, Kentucky for consular processing.

Section 4.2 – Data Limitations

The tables in this report have been extracted from an electronic data file created from USCIS Service Center electronic data files. Errors in this extract file may have occurred in several ways. For example, the data submitted by the petitioner might have been inaccurate, or keying errors may have occurred during data entry at the service centers or as a result of being improperly transferred electronically between the service centers and USCIS Headquarters. Minimum editing has been done to the data in this file. Impossible or highly improbable values have been defined as unknown; for example, beneficiaries younger than 16 (except for fashion models) or those beneficiaries working without compensation. Lastly, information in electronic format is not available regarding the cities or states where H-1B workers are employed.