



Characteristics of H-1B Specialty Occupation Workers

Fiscal Year 2009 Annual Report
October 1, 2008 – September 30, 2009

April 15, 2010



Homeland
Security

U.S. Citizenship and Immigration Services

Provided By:
Law Offices of Rajiv S. Khanna, PC
<http://www.immigration.com>

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Foreword

I am pleased to present the following report, "Annual Report on Characteristics of Specialty Occupation Workers (H-1B) for Fiscal Year 2009," 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 (Public Law 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 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 Jeff Sessions
Ranking Member, Senate Judiciary Committee

The Honorable John Conyers, Jr.
Chairman, House Judiciary Committee

The Honorable Lamar Smith
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, appearing to read "Chani W. Wiggins".

Chani W. 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 2009, October 1, 2008 – September 30, 2009.

Highlights

- The number of H-1B petitions filed decreased 15 percent from 288,764 in Fiscal Year 2008 to 246,647 in Fiscal Year 2009.
- The number of H-1B petitions approved decreased 22 percent from 276,252 in Fiscal Year 2008 to 214,271 in Fiscal Year 2009.
- Approximately 48 percent of all H-1B petitions approved in Fiscal Year 2009 were for workers born in India.
- Two-thirds of H-1B petitions approved in Fiscal Year 2009 were for workers between the ages of 25 and 34.
- Forty-one percent of H-1B petitions approved in Fiscal Year 2009 were for workers with a bachelor's degree, 40 percent had a master's degree, 13 percent had a doctorate, and 6 percent were for workers with a professional degree.
- About 41 percent of H-1B petitions approved in Fiscal Year 2009 were for workers in computer-related occupations.
- The median salary of beneficiaries of approved petitions increased to \$64,000 in Fiscal Year 2009, \$4,000 more than in Fiscal Year 2008.

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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 General¹ 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.”

¹ 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.”*²

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. 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 United States in H-1B status. That role rests with the U.S. Department of State (DOS), which 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), which at a port-of-entry determines if the alien is admissible to the United States, as a visa alone does not guarantee entry.

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.

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 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, 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 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 (see INA 214(g)(4)); however, the H-1B petition may only be approved for a maximum period of three years. 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 sponsor an alien who currently has H-1B nonimmigrant status working for another employer or amend a previously approved petition. In the case of a petition to amend a previously approved petition, no corresponding request

² 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).

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.³ 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 set a maximum of 65,000 H-1B visas that 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, 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 in behalf of an H-1B worker already in the United States will not count against the H-1B fiscal year cap. In addition, an approved petition for initial employment is exempt from the cap if the sponsor is an institution of higher education or nonprofit organization affiliated with an institution of higher education or if the sponsor is a nonprofit research organization or governmental research organization.

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 to 65,000 per fiscal year and remains at that level. These statutory provisions also provided for certain exemptions from the fiscal year H-1B cap; a petition for new H-1B employment is exempt if the alien will be employed at an institution of higher education or a related or affiliated nonprofit entity, or at a nonprofit research organization or governmental research organization. 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.

³ 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 2009, USCIS approved 214,271 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).

Table 1 shows for Fiscal Year 2009 the number of petitions filed and/or approved for initial and continuing employment. Of the petitions approved in 2009, a total of 86,300 petitions or 40 percent were for initial employment.⁴ The corresponding number of petitions for continuing employment was 127,971.⁵ A worker may have had a second (or subsequent) petition filed in 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.

The number of H-1B petitions filed decreased 15 percent and petitions approved declined 22 percent between Fiscal Years 2008 and 2009. For initial employment, petitions filed decreased 14 percent and petitions approved declined 21 percent. Petitions filed for continuing employment decreased 15 percent and petitions approved decreased 23 percent.

**Table 1. H-1B Petitions Filed and Approved by Type of Petition:
Fiscal Years 2006 to 2009**

	FY 2006	FY 2007	FY 2008 ⁶	FY 2009
Petitions filed	295,915	304,877	288,764	246,647
Initial Employment	121,724	114,222	122,634	105,775
Continuing Employment	174,191	190,655	166,130	140,872
Petitions approved⁷	270,981	281,444	276,252	214,271
Initial Employment	109,614	120,031	109,335	86,300
Continuing Employment	161,367	161,413	166,917	127,971

⁴ 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. 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 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.

⁵ Neither AC21 nor prior legislation established a cap on H-1B petitions for continuing employment.

⁶ This excludes approximately 63,000 petitions submitted but not selected in the computer-generated random lottery in April 2008.

⁷ Regardless of when filed.

Table 2 shows the number of H-1B petitions filed by quarter in Fiscal Years 2006 to 2009. Filings for initial employment spiked in the third quarter of FY 2009, when the cap-subject petition filing season opened. By contrast, filings for continuing employment were fairly evenly distributed throughout FY 2009.

**Table 2. H-1B Petitions Filed by Quarter:
Fiscal Years 2006 to 2009**

Quarter	FY 2006	FY 2007	FY 2008	FY 2009	Initial Employment	Percent of Total	Continuing Employment	Percent of Total
Total	295,915	304,877	288,764	246,647	105,775	100	140,872	100
October-December	48,678	50,268	41,852	36,669	4,677	4.4	31,992	22.7
January-March	50,445	49,515	44,486	37,291	4,983	4.7	32,308	22.9
April-June	132,655	147,412	150,942	121,782	80,957	76.5	40,825	29.0
July-September	64,137	57,682	51,484	50,905	15,158	14.3	35,747	25.4

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

Table 3 provides a breakdown of approved petitions in Fiscal Years 2006 to 2009 by type of petition. More than 86,000 H-1B beneficiaries were approved for initial employment and nearly 128,000 for continuing employment in Fiscal Year 2009.

The number of aliens outside the United States approved for initial employment decreased 40 percent from almost 56,000 in FY 2008 to 33,000 in Fiscal Year 2009. The corresponding numbers for aliens in the United States changing to H-1B status remained steady at 53,000 in 2009.

**Table 3. H-1B Petitions Approved by Type:
Fiscal Years 2006 to 2009**

Type of Petition	Petitions Approved							
	FY2006	Percent	FY2007	Percent	FY2008	Percent	FY2009	Percent
Total	270,981	100	281,444	100	276,252	100	214,271	100
Initial employment	109,614	40	120,031	43	109,335	40	86,300	40
Aliens outside U.S.	57,264	21	60,785	22	55,893	20	33,283	16
Aliens in U.S.	52,350	19	59,246	21	53,442	19	53,017	25
Continuing employment	161,367	60	161,413	57	166,917	60	127,971	60

Note: Sum of the percents 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.⁸ Of the H-1B petitions approved in Fiscal Year 2009, 48 percent reported that the beneficiary was born in India. The second most prevalent country of birth of H-1B beneficiaries was China, representing 10 percent of all beneficiaries. The number of beneficiaries from India approved for initial employment decreased 45 percent in 2009, while the number of beneficiaries approved for continuing employment decreased 21 percent in FY 2009.

Table 4A. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of Petition (Number): Fiscal Years 2008 and 2009

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2008 Number	FY 2009 Number	FY 2008 Number	FY 2009 Number	FY 2008 Number	FY 2009 Number
Total	276,252	214,271	109,335	86,300	166,917	127,971
India	149,629	103,059	61,739	33,961	87,890	69,098
China, People's Republic	24,174	20,855	9,157	8,989	15,017	11,866
Canada	10,681	9,605	3,968	4,579	6,713	5,026
Philippines	9,606	8,682	3,957	3,734	5,649	4,948
Korea	6,988	6,968	3,029	3,919	3,959	3,049
United Kingdom	4,494	4,180	1,333	1,991	3,161	2,189
Japan	4,312	3,825	1,334	1,710	2,978	2,115
Mexico	3,721	3,346	1,375	1,614	2,346	1,732
Taiwan	3,708	3,218	1,818	1,856	1,890	1,362
Pakistan	3,509	2,556	1,315	1,003	2,194	1,553
France	2,526	2,308	879	1,256	1,647	1,052
Turkey	2,481	2,227	1,054	1,175	1,427	1,052
Germany	2,426	2,107	895	1,031	1,531	1,076
Columbia	2,619	2,027	740	795	1,879	1,232
Brazil	2,010	1,837	784	964	1,226	873
Venezuela	2,022	1,766	579	697	1,443	1,069
Russia	1,796	1,396	541	692	1,255	704
Nepal	1,406	1,231	783	668	623	563
Italy	1,135	1,186	489	695	646	491
Argentina	1,460	1,181	400	457	1,060	724
Other countries	35,549	30,711	13,166	14,514	22,383	16,197

Notes: Countries of birth are ranked based on 2009 data.

⁸ Data 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 2008 and 2009

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2008 Percent	FY 2009 Percent	FY 2008 Percent	FY 2009 Percent	FY 2008 Percent	FY 2009 Percent
Total	-----	-----	-----	-----	-----	-----
Country of birth	100	100	100	100	100	100
India	54.2	48.1	56.5	39.4	52.7	54.0
China, People's Republic	8.8	9.7	8.4	10.4	9.0	9.3
Canada	3.9	4.5	3.6	5.3	4.0	3.9
Philippines	3.5	4.1	3.6	4.3	3.4	3.9
Korea	2.5	3.3	2.8	4.5	2.4	2.4
United Kingdom	1.6	2.0	1.2	2.3	1.9	1.7
Japan	1.6	1.8	1.2	2.0	1.8	1.7
Mexico	1.3	1.6	1.3	1.9	1.4	1.4
Taiwan	1.3	1.5	1.7	2.2	1.1	1.1
Pakistan	1.3	1.2	1.2	1.2	1.3	1.2
France	0.9	1.1	0.8	1.5	1.0	0.8
Turkey	0.9	1.0	1.0	1.4	0.9	0.8
Germany	0.9	1.0	0.8	1.2	0.9	0.8
Columbia	0.9	0.9	0.7	0.9	1.1	1.0
Brazil	0.7	0.9	0.7	1.1	0.7	0.7
Venezuela	0.7	0.8	0.5	0.8	0.9	0.8
Russia	0.7	0.7	0.5	0.8	0.8	0.6
Nepal	0.5	0.6	0.7	0.8	0.4	0.4
Italy	0.4	0.6	0.4	0.8	0.4	0.4
Argentina	0.5	0.6	0.4	0.5	0.6	0.6
Other countries	12.9	14.3	12.0	16.8	13.4	12.7

Notes: Countries of birth are ranked based on 2009 data.
Sum of the percents 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 Fiscal Year 2009 by type of petition. Sixty-six percent of workers granted H-1B status during FY 2009 were between 25 and 34 years of age at the time their petitions were approved. Fifty-three percent of initial beneficiaries were under 30, compared with 28 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 2009

Age	All Beneficiaries	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	214,271		86,300		127,971	
Age known	214,175	100	86,266	100	127,909	100
Under 20	77	0.0	63	0.1	14	0.0
20-24	13,326	6.2	11,902	13.8	1,424	1.1
25-29	68,695	32.1	34,027	39.4	34,668	27.1
30-34	72,326	33.8	22,493	26.1	49,833	39.0
35-39	34,862	16.3	9,896	11.5	24,966	19.5
40-44	13,892	6.5	4,236	4.9	9,656	7.5
45-49	6,265	2.9	2,079	2.4	4,186	3.3
50-54	2,781	1.3	927	1.1	1,854	1.4
55-59	1,180	0.6	389	0.5	791	0.6
60-64	547	0.3	187	0.2	360	0.3
65 and over	224	0.1	67	0.1	157	0.1
Age unknown	96	-----	34	-----	62	-----

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 percents 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), 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 have been available since May 2005.)

The breakdown of the highest level of education achieved by H-1B beneficiaries remained constant between Fiscal Years 2008 and 2009. As shown in Table 6, 41 percent of all H-1B petitions approved for workers in 2009 reported that the beneficiary had earned the equivalent of a bachelor’s degree; 40 percent a master’s degree; 13 percent a doctorate, and 6 percent a professional degree. Altogether, 99 percent had earned at least a bachelor’s degree and 59 percent had earned at least a master’s degree.

**Table 6. H-1B Petitions Approved by Level of Education:
Fiscal Years 2006-2009**

Level of Education	FY 2006	FY 2007	FY 2008	FY 2009
Education known	100	100	100	100
Less than a Bachelor's degree	1	1	1	1
Bachelor's degree	45	44	43	41
Master's degree	39	40	41	40
Doctorate degree	11	10	11	13
Professional degree	5	5	5	6

Note: Sum of percents 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 2009**

Level of Education	All Beneficiaries	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	214,271		86,300		127,971	
Education known	214,256	100	86,294	100	127,962	100
No high school diploma	195	0.1	108	0.1	87	0.1
High school graduate	404	0.2	190	0.2	214	0.2
Less than 1 year of college credit	84	0.0	33	0.0	51	0.0
1 or more years of college credit, no diploma	529	0.2	236	0.3	293	0.2
Associate's degree	549	0.3	262	0.3	287	0.2
Bachelor's degree	87,668	40.9	35,142	40.7	52,526	41.0
Master's degree	85,489	39.9	32,799	38.0	52,690	41.2
Doctorate degree	27,027	12.6	12,478	14.5	14,549	11.4
Professional degree	12,311	5.7	5,046	5.8	7,265	5.7
Education unknown	15	-----	6	-----	9	-----

Notes: Sum of the percents may not add to 100 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 2008 and 2009. Computer-related occupations were the most numerous occupational categories in 2009; their share of total petitions approved dropped to 42 percent in Fiscal Year 2009 from 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. Every occupational category had more continuing than initial H-1B beneficiaries except for: law and jurisprudence, entertainment and recreation, and religion and theology.

The number of H-1B petitions approved for workers in computer-related occupations decreased 35 percent from 137,010 in 2008 to 88,961 in 2009. The remaining occupation groups decreased 10 percent between 2008 and 2009.

Table 8A. H-1B Petitions Approved by Major Occupation Group of Beneficiary and Type of Petition (Number): Fiscal Years 2008 and 2009

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2008 Number	FY2009 Number	FY2008 Number	FY2009 Number	FY2008 Number	FY2009 Number
Total	276,252	214,271	109,335	86,300	166,917	127,971
Occupation known	276,080	213,681	109,228	86,062	166,852	127,619
Computer-related occupations	137,010	88,961	58,074	29,793	78,936	59,168
Occupations in Architecture, Engineering and Surveying	30,062	25,278	10,021	10,789	20,041	14,489
Occupations in Education	28,880	24,711	12,339	10,840	16,541	13,871
Occupations in Administrative Specializations	23,346	21,192	7,966	9,976	15,380	11,216
Occupations in Medicine and Health	17,778	17,621	6,949	8,053	10,829	9,568
Managers and Officials N.E.C.*	8,904	8,276	2,288	3,487	6,616	4,789
Occupations in Life Sciences	6,990	6,456	2,816	3,036	4,174	3,420
Occupations in Mathematics and Physical Sciences	5,933	5,645	2,388	2,640	3,545	3,005
Miscellaneous Professional, Technical, and Managerial	5,114	4,816	1,794	2,122	3,320	2,694
Occupations in Social Sciences	4,914	4,461	1,914	2,155	3,000	2,306
Occupations in Art	2,898	2,798	972	1,336	1,926	1,462
Occupations in Law and Jurisprudence	1,556	1,416	727	783	829	633
Occupations in Writing	1,025	925	347	444	678	481
Occupations in Entertainment and Recreation	593	470	238	237	355	233
Fashion Models	476	259	151	126	325	133
Occupations in Museum, Library & Archival Sciences	344	218	143	99	201	119
Occupations in Religion and Theology	257	178	101	146	156	32
Occupation unknown	172	590	107	238	65	352

Notes: Occupations ranked based on 2009 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): Fiscal Years 2008 and 2009

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2008 Number	FY2009 Number	FY2008 Number	FY2009 Number	FY2008 Number	FY 2009 Number
Occupation known	100	100	100	100	100	100
Computer-related occupations	49.6	41.6	53.2	34.6	47.3	46.4
Occupations in Architecture, Engineering, and Surveying	10.9	11.8	9.2	12.5	12.0	11.4
Occupations in Education	10.5	11.6	11.3	12.6	9.9	10.9
Occupations in Administrative Specializations	8.5	9.9	7.3	11.6	9.2	8.8
Occupations in Medicine and Health	6.4	8.2	6.4	9.4	6.5	7.5
Managers and Officials N.E.C.*	3.2	3.9	2.1	4.1	4.0	3.8
Occupations in Life Sciences	2.5	3.0	2.6	3.5	2.5	2.7
Occupations in Mathematics and Physical Sciences	2.1	2.6	2.2	3.1	2.1	2.4
Miscellaneous Professional, Technical, and Managerial	1.9	2.3	1.6	2.5	2.0	2.1
Occupations in Social Sciences	1.8	2.1	1.8	2.5	1.8	1.8
Occupations in Art	1.0	1.3	0.9	1.6	1.2	1.1
Occupations in Law and Jurisprudence	0.6	0.7	0.7	0.9	0.5	0.5
Occupations in Writing	0.4	0.4	0.3	0.5	0.4	0.4
Occupations in Entertainment and Recreation	0.2	0.2	0.2	0.3	0.2	0.2
Fashion Models	0.2	0.1	0.1	0.1	0.2	0.1
Occupations in Museum, Library, and Archival Sciences	0.1	0.1	0.1	0.1	0.1	0.1
Occupations in Religion and Theology	0.1	0.1	0.1	0.2	0.1	0.0
Occupation unknown	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked based on 2009 data.
Sum of the percents may not add to 100 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 2008 and 2009. Each table shows occupations arranged in descending order by the total number of beneficiaries approved in Fiscal Year 2009. The relative distributions in 2008 and 2009 were similar. The list is limited to the top 20 categories. Thirty-six percent of approved petitions in 2009 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 2008 and 2009

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2008 Number	FY 2009 Number	FY 2008 Number	FY 2009 Number	FY 2008 Number	FY 2009 Number
Total	276,252	214,271	109,335	86,300	166,917	127,971
Occupation known	275,654	213,671	109,097	86,059	166,557	127,612
Occupations in Systems Analysis and Programming	120,673	75,838	52,984	24,947	67,689	50,891
Occupations in College and University Education	20,139	17,326	8,891	8,017	11,248	9,309
Computer-Related Occupations, N.E.C.*	11,826	9,527	3,527	3,396	8,299	6,131
Accountants, Auditors, and Related Occupations	10,455	9,364	3,259	4,289	7,196	5,075
Electrical/Electronics Engineering Occupations	9,861	8,097	3,168	3,543	6,693	4,554
Physicians and Surgeons	7,819	7,252	2,788	2,777	5,031	4,475
Occupations in Biological Sciences	4,835	4,621	2,005	2,168	2,830	2,453
Misc Professional, Technical, and Managerial Occupations, N.E.C.*	4,496	4,370	1,505	1,908	2,991	2,462
Miscellaneous Managers and Officials, N.E.C.*	4,374	4,267	1,050	1,812	3,324	2,455
Mechanical Engineering Occupations	4,838	4,108	1,667	1,734	3,171	2,374
Occupations in Administrative Specializations, N.E.C.*	4,169	4,072	1,526	1,972	2,643	2,100
Occupations in Economics	4,392	3,975	1,631	1,862	2,761	2,100
Occupations in Medicine and Health, N.E.C.*	3,751	3,859	1,634	2,140	2,117	2,113
Budget and Management Systems Analysis Occupations	4,334	3,691	1,815	1,814	2,519	1,719
Occupations in Architecture, Engineering, and Surveying, N.E.C.*	3,967	3,515	1,250	1,483	2,717	1,877
Civil Engineering Occupations	3,479	2,939	1,204	1,146	2,275	2,032
Occupations in Secondary School Education	3,418	2,821	1,468	1,084	1,950	1,793
Therapists	2,124	2,765	1,093	1,485	1,031	1,737
Occupations in Preschool, Primary School, and Kindergarten Education	3,482	2,725	1,170	927	2,312	1,280
Industrial Engineering Occupations	2,343	2,308	715	1,030	1,628	1,798
Other Occupations	40,879	36,231	14,747	16,525	26,132	19,706
Occupation Unknown	598	600	238	241	360	359

Notes: Occupations ranked on 2009 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 2008 and 2009**

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2008 Percent	FY 2009 Percent	FY 2008 Percent	FY 2009 Percent	FY 2008 Percent	FY 2009 Percent
Total	-----	-----	-----	-----	-----	-----
Occupation known	100	100	100	100	100	100
Occupations in Systems Analysis and Programming	43.8	35.5	48.6	29.0	40.6	39.9
Occupations in College and University Education	7.3	8.1	8.1	9.3	6.8	7.3
Computer-Related Occupations, N.E.C.*	4.3	4.5	3.2	3.9	5.0	4.8
Accountants, Auditors, and Related Occupations	3.8	4.4	3.0	5.0	4.3	4.0
Electrical/Electronics Engineering Occupations	3.6	3.8	2.9	4.1	4.0	3.6
Physicians and Surgeons	2.8	3.4	2.6	3.2	3.0	3.5
Occupations in Biological Sciences	1.8	2.2	1.8	2.5	1.7	1.9
Misc Professional, Technical, and Managerial Occupations, N.E.C.*	1.6	2.0	1.4	2.2	1.8	1.9
Miscellaneous Managers and Officials, N.E.C.*	1.6	2.0	1.0	2.1	2.0	1.9
Mechanical Engineering Occupations	1.8	1.9	1.5	2.0	1.9	1.9
Occupations in Administrative Specializations, N.E.C.*	1.5	1.9	1.4	2.3	1.6	1.6
Occupations in Economics	1.6	1.9	1.5	2.2	1.7	1.7
Occupations in Medicine And Health, N.E.C.*	1.4	1.8	1.5	2.5	1.3	1.3
Budget and Management Systems Analysis Occupations	1.6	1.7	1.7	2.1	1.5	1.5
Occupations in Architecture, Engineering, and Surveying, N.E.C.*	1.4	1.6	1.1	1.7	1.6	1.6
Civil Engineering Occupations	1.3	1.4	1.1	1.3	1.4	1.4
Occupations in Secondary School Education	1.2	1.3	1.3	1.3	1.2	1.4
Therapists	0.8	1.3	1.0	1.7	0.6	1.0
Occupations in Preschool, Primary School, and Kindergarten Education	1.3	1.3	1.1	1.1	1.4	1.4
Industrial Engineering Occupations	0.8	1.1	0.7	1.2	1.0	1.0
Other Occupations	14.8	17.0	13.5	19.2	15.7	15.4
Occupation Unknown	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked on 2009 data.
Sum of the percents may not add to 100 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 compensation⁹

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 2009. As shown in Table 10, the median annual compensation reported by employers of H-1B workers approved for employment during Fiscal Year 2009 was \$64,000. This number compares with \$60,000 in 2008, 2007, and 2006. One-half were expected to earn between \$50,000 and \$86,000. Median compensation ranged from a low of \$34,500 for occupations in religion and theology to a high of \$102,000 for fashion models.

**Table 10. Annual Compensation (\$) of All H-1B Beneficiaries by Major Occupation
Group: Fiscal Year 2009 (Approvals)**

Occupation	Total Reported	25 th Percentile	Median	Mean	75 th Percentile
Total	212,052	50,000	64,000	73,000	86,000
Known Occupations with annual compensation	211,477	50,000	64,000	73,000	86,000
Computer-related occupations	88,544	60,000	68,000	74,000	87,000
Occupations in Architecture, Engineering, and Surveying	25,066	59,000	72,000	75,000	87,000
Occupations in Education	24,541	39,000	47,000	55,000	61,000
Occupations in Administrative Specializations	20,890	43,000	57,000	65,000	80,000
Occupations in Medicine and Health	16,935	48,000	60,000	89,000	115,000
Managers and Officials N.E.C.*	8,215	55,000	83,000	94,000	115,000
Occupations in Life Sciences	6,424	40,000	47,000	56,000	65,000
Occupations in Mathematics and Physical Sciences	5,609	52,000	70,000	74,000	90,000
Miscellaneous Professional, Technical, and Managerial	4,772	51,000	78,000	84,000	106,000
Occupations in Social Sciences	4,408	45,000	65,000	75,000	95,000
Occupations in Art	2,739	37,000	48,000	57,000	69,000
Occupations in Law and Jurisprudence	1,395	47,000	92,000	116,000	160,000
Occupations in Writing	899	33,000	42,000	48,000	55,000
Occupations in Entertainment and Recreation	452	30,000	36,000	41,000	48,000
Occupations in Museum, Library, and Archival Sciences	214	39,000	48,000	64,000	63,000
Fashion Models	200	100,000	102,000	144,000	150,000
Occupations in Religion and Theology	174	27,000	34,500	39,000	47,000
Occupation unknown	575	45,000	61,000	71,000	85,000

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.

⁹ 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.

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 \$59,000 for the latter. In Fiscal Year 2009 workers approved for continuing employment and initial employment reported mean annual compensation of \$77,000 and \$66,000 respectively.

Table 11. Annual Compensation (\$) of H-1B Beneficiaries for Initial Employment by Major Occupation Group: Fiscal Year 2009 (Approvals)

Occupation	Total Reported	25 th Percentile	Median	Mean	75 th Percentile
Total	85,368	46,000	59,000	66,000	75,000
Known Occupations with annual compensation	85,133	46,000	59,000	66,000	75,000
Computer-related occupations	29,676	54,000	60,000	67,000	75,000
Occupations in Education	10,768	37,000	45,000	53,000	58,000
Occupations in Architecture, Engineering, and Surveying	10,692	55,000	67,000	71,000	84,000
Occupations in Administrative Specializations	9,801	40,000	50,000	58,000	65,000
Occupations in Medicine and Health	7,781	46,000	54,000	76,000	75,000
Managers and Officials N.E.C.*	3,458	48,000	67,000	88,000	106,000
Occupations in Life Sciences	3,023	38,000	45,000	54,000	61,000
Occupations in Mathematics and Physical Sciences	2,623	50,000	64,000	70,000	85,000
Occupations in Social Sciences	2,131	42,000	60,000	68,000	85,000
Miscellaneous Professional, Technical, and Managerial	2,100	44,000	65,000	75,000	94,000
Occupations in Art	1,310	33,000	41,000	48,000	52,000
Occupations in Law and Jurisprudence	772	42,000	83,000	108,000	160,000
Occupations in Writing	432	31,000	40,000	45,000	50,000
Occupations in Entertainment and Recreation	230	29,000	35,000	37,000	42,000
Occupations in Religion and Theology	142	28,000	34,000	38,000	41,000
Occupations in Museum, Library, and Archival Sciences	97	35,000	44,000	49,000	59,000
Fashion Models	97	100,000	104,000	139,000	104,000
Occupation unknown	235	41,000	55,000	66,000	75,000

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 2009 (Approvals)

Occupation	Total Reported	25 th Percentile	Median	Mean	75 th Percentile
Total	126,684	55,000	70,000	77,000	91,000
Known Occupations with annual compensation	126,344	55,000	70,000	77,000	91,000
Computer-related occupations	58,868	60,000	74,000	78,000	91,000
Occupations in Architecture, Engineering, and Surveying	14,374	62,000	75,000	77,000	90,000
Occupations in Education	13,773	41,000	48,000	56,000	64,000
Occupations in Administrative Specializations	11,089	48,000	65,000	72,000	88,000
Occupations in Medicine and Health	9,154	50,000	69,000	100,000	135,000
Managers and Officials N.E.C.*	4,757	61,000	91,000	98,000	120,000
Occupations in Life Sciences	3,401	42,000	49,000	57,000	67,000
Occupations in Mathematics and Physical Sciences	2,986	56,000	75,000	77,000	93,000
Miscellaneous Professional, Technical, and Managerial	2,672	60,000	90,000	91,000	115,000
Occupations in Social Sciences	2,277	51,000	75,000	82,000	100,000
Occupations in Art	1,429	42,000	57,000	65,000	80,000
Occupations in Law and Jurisprudence	623	55,000	110,000	125,000	185,000
Occupations in Writing	467	35,000	46,000	52,000	60,000
Occupations in Entertainment and Recreation	222	30,000	40,000	45,000	55,000
Occupations in Museum, Library, and Archival Sciences	117	42,000	51,000	76,000	64,000
Fashion Models	103	100,000	100,000	150,000	200,000
Occupations in Religion and Theology	32	25,000	37,500	43,000	50,000
Occupation unknown	340	55,000	70,000	75,000	90,000

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 2008 and 2009. The number of workers approved for all known industries decreased 23 percent from 257,164 in Fiscal Year 2008 to 197,246 in Fiscal Year 2009. All of the top ten industries experienced a decrease in FY 2009 ranging from 39 percent (computer systems design and related services) to 7 percent (general medical and surgical hospitals).

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 2008 and 2009**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2008 Number	FY 2009 Number	FY 2008 Number	FY 2009 Number	FY 2008 Number	FY 2009 Number
Total	276,252	214,271	109,335	86,300	166,917	127,971
Industry known	257,164	197,246	103,289	78,999	153,875	118,247
Computer Systems Design & Related Services	108,970	66,236	52,829	23,828	56,141	42,408
Colleges, Universities & Professional Schools	26,145	22,991	11,318	10,420	14,827	12,571
Architectural, Engineering, & Related Services	10,420	8,247	3,557	3,419	6,863	4,828
Management, Scientific, & Technical Consulting Services	8,654	7,147	3,008	3,074	5,646	4,073
Elementary and Secondary Schools	7,537	6,192	2,990	2,199	4,547	3,993
General Medical and Surgical Hospitals	6,111	5,670	2,660	2,432	3,451	3,238
Scientific Research and Development Services	6,321	5,579	2,414	2,493	3,907	3,086
Securities & Commodity Contracts Intermediation & Brokerage	5,953	4,865	1,797	1,718	4,156	3,147
Semiconductor & Other Electronic Component Manufacturing	4,537	4,193	1,337	1,867	3,200	2,326
Accounting, Tax Preparation, Bookkeeping & Payroll Services	4,424	4,097	1,550	2,072	2,874	2,025
Computer and Peripheral Equipment Manufacturing	3,531	2,766	888	1,047	2,643	1,719
Offices of Physicians	2,659	2,482	821	894	1,838	1,588
Other Financial Investment Activities	2,677	2,441	784	1,012	1,893	1,429
Communications Equipment Manufacturing	1,882	2,150	341	875	1,541	1,275
Offices of Other Health Practitioners	1,634	1,878	722	1,097	912	781
Software Publishers	1,982	1,682	431	583	1,551	1,099
Other Professional, Scientific & Technical Services	1,498	1,524	453	700	1,045	824
Pharmaceutical and Medicine Manufacturing	1,794	1,523	454	539	1,340	984
Health and Personal Care Stores	1,874	1,487	418	526	1,456	961
Legal Services	1,548	1,416	703	761	845	655
Other industries	47,013	42,680	13,814	17,443	33,199	25,237
Industry unknown	19,088	17,025	6,046	7,301	13,042	9,724

Notes: Industries ranked by total beneficiaries in 2009
NAICS - North American Industry Classification System

**Table 13B. H-1B Petitions Approved by Detailed Industry and Type of Petition (Percent)
Fiscal Years 2008 and 2009**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2008 Percent	FY2009 Percent	FY2008 Percent	FY2009 Percent	FY2008 Percent	FY2009 Percent
Total	-----	-----	-----	-----	-----	-----
Industry known	100	100	100	100	100	100
Computer Systems Design & Related Services	42.4	33.6	51.1	30.2	36.5	35.9
Colleges, Universities & Professional Schools	10.2	11.7	11.0	13.2	9.6	10.6
Architectural, Engineering & Related Services	4.1	4.2	3.4	4.3	4.5	4.1
Management, Scientific & Technical Consulting Services	3.4	3.6	2.9	3.9	3.7	3.4
Elementary and Secondary Schools	2.9	3.1	2.9	2.8	3.0	3.4
General Medical and Surgical Hospitals	2.4	2.9	2.6	3.1	2.2	2.7
Scientific Research and Development Services	2.5	2.8	2.3	3.2	2.5	2.6
Securities & Commodity Contracts Intermediation & Brokerage	2.3	2.5	1.7	2.2	2.7	2.7
Semiconductor & Other Electronic Component Manufacturing	1.8	2.1	1.3	2.4	2.1	2.0
Accounting, Tax Preparation, Bookkeeping, & Payroll Services	1.7	2.1	1.5	2.6	1.9	1.7
Computer and Peripheral Equipment Manufacturing	1.4	1.4	0.9	1.3	1.7	1.5
Offices of Physicians	1.0	1.3	0.8	1.1	1.2	1.3
Other Financial Investment Activities	1.0	1.2	0.8	1.3	1.2	1.2
Communications Equipment Manufacturing	0.7	1.1	0.3	1.1	1.0	1.1
Offices of Other Health Practitioners	0.6	1.0	0.7	1.4	0.6	0.7
Software Publishers	0.8	0.9	0.4	0.7	1.0	0.9
Other Professional, Scientific & Technical Services	0.6	0.8	0.4	0.9	0.7	0.7
Pharmaceutical and Medicine Manufacturing	0.7	0.8	0.4	0.7	0.9	0.8
Health and Personal Care Stores	0.7	0.8	0.4	0.7	0.9	0.8
Legal Services	0.6	0.7	0.7	1.0	0.5	0.6
Other industries	18.3	21.6	13.4	22.1	21.6	21.3
Industry unknown	-----	-----	-----	-----	-----	-----

Notes: Industries ranked by total beneficiaries in 2009.
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

Appendix

Appendix A – 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 or 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 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 and non-cap cases, the file is assigned to an adjudicator.

The adjudicator 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. 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 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.

Appendix 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 the petitioner, initial data entry errors at service centers, or improper electronic transfer from the service centers to USCIS Headquarters.

Minimum 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 working without compensation) have been defined as unknown. Lastly, information in electronic format is not available regarding the cities or states where H-1B workers are employed.