



# Characteristics of H-1B Specialty Occupation Workers

Fiscal Year 2010 Annual Report  
October 1, 2009 – September 30, 2010

August 4, 2011



Homeland  
Security

*U.S. Citizenship and Immigration Services*



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Security**

**AUG 11 2011**

## Foreword

I am pleased to present the following report, "Annual Report on Characteristics of Specialty Occupation Workers (H-1B) for Fiscal Year 2010," which has been prepared by U.S. Citizenship and Immigration Services. The report has been compiled in response to a legislative requirement in the American Competitiveness and Workforce Improvement Act of 1998, Pub. L. No. 105-277, div. C, tit. IV § 416(c)(2), 112 Stat. 2681.

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 Charles Grassley  
Ranking Member, Senate Judiciary Committee

The Honorable Lamar Smith  
Chairman, House Judiciary Committee

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

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

Respectfully,

A handwritten signature in black ink, appearing to read "Nelson Peacock".

Nelson Peacock  
Assistant Secretary  
Office of Legislative Affairs

# Executive Summary

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

To fulfill this requirement, USCIS submits the following report for Fiscal Year 2010, October 1, 2009 – September 30, 2010.

## **Highlights**

- The number of H-1B petitions filed increased 0.4 percent from 246,647 in Fiscal Year 2009 to 247,617 in Fiscal Year 2010.
- The number of H-1B petitions approved decreased ten percent from 214,271 in Fiscal Year 2009 to 192,990 in Fiscal Year 2010.
- Approximately 53 percent of all H-1B petitions approved in Fiscal Year 2010 were for workers born in India.
- Two-thirds of H-1B petitions approved in Fiscal Year 2010 were for workers between the ages of 25 and 34.
- Forty-two percent of H-1B petitions approved in Fiscal Year 2010 were for workers with a bachelor's degree, 39 percent had a master's degree, 12 percent had a doctorate, and six percent were for workers with a professional degree.
- About 47 percent of H-1B petitions approved in Fiscal Year 2010 were for workers in computer-related occupations.
- The median salary of beneficiaries of approved petitions increased to \$68,000 in Fiscal Year 2010, \$4,000 more than in Fiscal Year 2009.

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# I. Legislative Requirement

Section 416(c)(2) of the American Competitiveness and Workforce Improvement Act (ACWIA), Pub. L. No. 105-277, div. C, tit. IV, 112 Stat. 2681, includes the following reporting requirement:<sup>1</sup>

[T]he Attorney General<sup>2</sup> 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.

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<sup>1</sup> Section 416(c)(3) of the American Competitiveness and Workforce Improvement Act (ACWIA), Pub. L. No. 105-277, div. C, tit. IV, 112 Stat. 2681 requires the submission of data on the number of aliens issued visas or otherwise provided nonimmigrant status pursuant to petitions filed by institutions or organizations described in section 212(p) of the INA. This data is included in the *Report on H-1B Petitions, Fiscal Year 2010 Annual Report, October 1, 2009-September 30, 2010*.

<sup>2</sup> 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."<sup>3</sup>*

The H-1B nonimmigrant classification is a vehicle through which a qualified alien may seek admission to the United States on a temporary basis to work in his or her field of expertise. An H-1B petition can be filed for an alien to perform services in a specialty occupation, services relating to a Department of Defense (DOD) cooperative research and development project or coproduction project, or services of distinguished merit and ability in the field of fashion modeling. Prior to employing an H-1B temporary worker, the U.S. employer must first file a Labor Condition Application (LCA) with the Department of Labor (DOL) and then file an H-1B petition with USCIS.<sup>4</sup> 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 in parallel positions among similar organizations or, in the alternative, the position is so complex or unique that it can be performed only by an individual with a degree; (3) the employer normally requires a degree or its equivalent for the position; or (4) the nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with attainment of a bachelor's or higher degree. See 8 CFR 214.2(h)(4)(iii)(A).

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

Although USCIS is responsible for evaluating an alien's qualifications for the H-1B classification and effecting a change of nonimmigrant status for aliens already in the United States in another nonimmigrant classification, approval of an H-1B petition does not guarantee issuance of an H-1B visa or admission to the United States in H-1B status. The responsibility for visa issuance rests primarily with the U.S. Department of State (DOS), which determines 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

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<sup>3</sup> 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).

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

abroad. Determinations whether to admit an alien in H-1B status are made by U.S. Customs and Border Protection (CBP) at a port-of-entry. Possession of a visa does not guarantee admission.

An alien 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. *See* 8 CFR 214.2(h)(9)(iii)(A)(1).<sup>5</sup> 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 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 in the H-1B classification. At the end of the six-year period, the alien must either change to a different status (if eligible) or depart the United States.<sup>6</sup> 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 certain aliens who have previously been counted against the cap. Thus, generally, a petition to extend an H-1B nonimmigrant's period of stay, change the conditions of the H-1B nonimmigrant's current employment, or request new H-1B employment 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 or related to 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 of 2000 (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.<sup>7</sup> These statutory provisions also provided for certain exemptions from the fiscal year H-1B

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<sup>5</sup> An alien involved in DOD cooperative research and development projects or coproduction projects may be admitted to the United States in H-1B status for a maximum period of ten years, *see* 8 CFR 214.2(h)(13)(iii)(B); however, the H-1B petition may only be approved for a maximum period of five years. *See* 8 CFR 214.2(h)(9)(iii)(A)(2).

<sup>6</sup> 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), Pub. L. No. 106-313.

<sup>7</sup> Each fiscal year, up to 1,400 H-1B visa numbers are set aside for nationals of Chile and up to 5,400 are set aside for nationals of Singapore under the provisions of Free Trade Agreements between the U.S. and each country. *See* INA 214(g)(8)(B)(ii), 8 U.S.C. 1184(g)(8)(B)(ii). In addition, there is a limit of no more than 100 aliens in the U.S. at any time

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. See INA 214(g)(5)(C), 8 USC 1184(g)(5)(C).

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performing services in a DOD cooperative research and development projects or coproduction projects. See 8 CFR 214.2(h)(8)(i)(B).



### III. Data Report

#### Section 3.1 – General distribution of petitions

During Fiscal Year 2010, USCIS approved 192,990 H-1B petitions submitted by employers on behalf of alien workers. The number of approved petitions exceeds the number of individual H-1B workers sponsored because 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 Years 2007 to 2010 the number of petitions filed for initial and continuing employment and the number of petitions approved for initial and continuing employment. Of the petitions approved in 2010, a total of 76,627 petitions or 40 percent were for initial employment.<sup>8</sup> The corresponding number of petitions for continuing employment was 116,363.<sup>9</sup> 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 increased 0.4 percent and petitions approved declined ten percent between Fiscal Years 2009 and 2010. For initial employment, petitions filed decreased six percent and petitions approved declined 11 percent. Petitions filed for continuing employment increased five percent and petitions approved decreased nine percent.

**Table 1. H-1B Petitions Filed and Approved by Type of Petition:  
Fiscal Years 2007 to 2010**

	FY 2007	FY 2008 <sup>10</sup>	FY 2009	FY 2010
<b>Petitions filed</b>	<b>304,877</b>	<b>288,764</b>	<b>246,647</b>	<b>247,617</b>
Initial Employment	114,222	122,634	105,775	99,146
Continuing Employment	190,655	166,130	140,872	148,471
<b>Petitions approved<sup>11</sup></b>	<b>281,444</b>	<b>276,252</b>	<b>214,271</b>	<b>192,990</b>
Initial Employment	120,031	109,335	86,300	76,627
Continuing Employment	161,413	166,917	127,971	116,363

<sup>8</sup> The terms “initial employment” and “continuing employment” are used throughout this report to identify two types of petitions. Petitions for initial employment are filed for first-time H-1B employment with an employer, only some of which are applied to the annual cap. Examples of petitions for initial employment that are exempt from the cap include petitions submitted by nonprofit research organizations or governmental research organizations. Continuing employment petitions refer to extensions, sequential employment, and concurrent employment, which are filed for aliens already in the United States. Extensions are filed for H-1B workers intending to work beyond the initial 3-year period up to a total of 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.

<sup>9</sup> Neither AC21 nor prior legislation established a cap on H-1B petitions for continuing employment.

<sup>10</sup> The “petitions filed” figure excludes approximately 63,000 petitions submitted but not selected in the computer-generated random lottery in April 2008.

<sup>11</sup> These figures represent the numbers of H-1B petitions approved irrespective of when the petitions were filed.

Table 2 shows the number of H-1B petitions filed by quarter in Fiscal Years 2007 to 2010. More than 43 percent of filings for initial employment occurred in the third quarter of FY 2010, when the cap-subject petition filing season opened. By contrast, the number of filings for continuing employment received in the third and fourth quarters of FY 2010 were almost the same as they were in the first and second quarters.

**Table 2. H-1B Petitions Filed by Quarter:  
Fiscal Years 2007 to 2010**

Quarter	FY 2007	FY 2008	FY 2009	FY 2010	FY 2010 Initial Employment	Percent of Total	FY 2010 Continuing Employment	Percent of Total
<b>Total</b>	<b>304,877</b>	<b>288,764</b>	<b>246,647</b>	<b>247,617</b>	<b>99,146</b>	<b>100</b>	<b>148,471</b>	<b>100</b>
October-December	50,268	41,852	36,669	50,790	22,805	23.0	27,985	18.8
January-March	49,515	44,486	37,291	34,313	4,564	4.6	29,749	20.0
April-June	147,412	150,942	121,782	88,501	42,987	43.4	45,514	30.7
July-September	57,682	51,484	50,905	74,013	28,790	29.0	45,223	30.5

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

Table 3 provides a breakdown of approved petitions in Fiscal Years 2007 to 2010 by type of petition. More than 76,000 H-1B beneficiaries were approved for initial employment and 116,000 for continuing employment in Fiscal Year 2010.

The number of aliens outside the United States approved for initial employment increased nearly five percent from 33,283 in FY 2009 to 34,848 in Fiscal Year 2010. The corresponding numbers for aliens in the United States changing to H-1B status declined by 21 percent to less than 42,000 in 2010.

**Table 3. H-1B Petitions Approved by Type:  
Fiscal Years 2007 to 2010**

Type of Petition	Petitions Approved							
	FY2007	Percent	FY2008	Percent	FY2009	Percent	FY2010	Percent
<b>Total</b>	<b>281,444</b>	<b>100</b>	<b>276,252</b>	<b>100</b>	<b>214,271</b>	<b>100</b>	<b>192,990</b>	<b>100</b>
<b>Initial employment</b>	<b>120,031</b>	<b>43</b>	<b>109,335</b>	<b>40</b>	<b>86,300</b>	<b>40</b>	<b>76,627</b>	<b>40</b>
Aliens outside U.S.	60,785	22	55,893	20	33,283	16	34,848	18
Aliens in U.S.	59,246	21	53,442	19	53,017	25	41,779	22
<b>Continuing employment</b>	<b>161,413</b>	<b>57</b>	<b>166,917</b>	<b>60</b>	<b>127,971</b>	<b>60</b>	<b>116,363</b>	<b>60</b>

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.<sup>12</sup> Of the H-1B petitions approved in Fiscal Year 2010, 53 percent reported that the beneficiary was born in India. The second most prevalent country of birth of H-1B beneficiaries was the People's Republic of China, representing nine percent of all beneficiaries. The number of beneficiaries from India approved for initial employment increased two percent in 2010, while the number of beneficiaries approved for continuing employment decreased one percent in FY 2010.

**Table 4A. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of Petition (Number): Fiscal Years 2009 and 2010**

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2009 Number	FY 2010 Number	FY 2009 Number	FY 2010 Number	FY 2009 Number	FY 2010 Number
<b>Total</b>	<b>214,271</b>	<b>192,990</b>	<b>86,300</b>	<b>76,627</b>	<b>127,971</b>	<b>116,363</b>
India	103,059	102,911	33,961	34,617	69,098	68,294
China, People's Republic	20,855	17,101	8,989	7,480	11,866	9,621
Canada	9,605	7,260	4,579	2,979	5,026	4,281
Philippines	8,682	6,172	3,734	2,104	4,948	4,068
South Korea	6,968	5,623	3,919	3,150	3,049	2,473
United Kingdom	4,180	3,848	1,991	2,125	2,189	1,723
Japan	3,825	2,781	1,710	1,189	2,115	1,592
Mexico	3,346	2,632	1,614	1,124	1,732	1,508
Taiwan	3,218	2,360	1,856	1,267	1,362	1,093
Pakistan	2,556	2,227	1,003	806	1,553	1,421
France	2,308	2,160	1,256	1,264	1,052	896
Turkey	2,227	1,934	1,175	948	1,052	986
Germany	2,107	1,864	1,031	1,059	1,076	805
Brazil	1,837	1,624	964	884	873	740
Colombia	2,027	1,527	795	652	1,232	875
Venezuela	1,766	1,507	697	752	1,069	755
Russia	1,396	1,162	692	647	704	515
Italy	1,186	1,107	695	657	491	450
Nepal	1,231	1,072	668	500	563	572
Israel	1,084	1,032	548	603	536	429
Other countries	30,808	25,086	14,423	11,820	16,385	13,266

Notes: Countries of birth are ranked based on 2010 data.

<sup>12</sup> 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 2009 and 2010**

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2009 Percent	FY 2010 Percent	FY 2009 Percent	FY 2010 Percent	FY 2009 Percent	FY 2010 Percent
<b>Total</b>	-----	-----	-----	-----	-----	-----
<b>Country of birth</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
India	48.1	53.3	39.4	45.2	54.0	58.7
China, People's Republic	9.7	8.9	10.4	9.8	9.3	8.3
Canada	4.5	3.8	5.3	3.9	3.9	3.7
Philippines	4.1	3.2	4.3	2.7	3.9	3.5
South Korea	3.3	2.9	4.5	4.1	2.4	2.1
United Kingdom	2.0	2.0	2.3	2.8	1.7	1.5
Japan	1.8	1.4	2.0	1.6	1.7	1.4
Mexico	1.6	1.4	1.9	1.5	1.4	1.3
Taiwan	1.5	1.2	2.2	1.7	1.1	0.9
Pakistan	1.2	1.2	1.2	1.1	1.2	1.2
France	1.1	1.1	1.5	1.6	0.8	0.8
Turkey	1.0	1.0	1.4	1.2	0.8	0.8
Germany	1.0	1.0	1.2	1.4	0.8	0.7
Brazil	0.9	0.8	1.1	1.2	0.7	0.6
Colombia	0.9	0.8	0.9	0.9	1.0	0.8
Venezuela	0.8	0.8	0.8	1.0	0.8	0.6
Russia	0.7	0.6	0.8	0.8	0.6	0.4
Italy	0.6	0.6	0.8	0.9	0.4	0.4
Nepal	0.6	0.6	0.8	0.7	0.4	0.5
Israel	0.5	0.5	0.6	0.8	0.4	0.4
Other countries	14.4	13.0	16.7	15.1	12.8	11.4

Notes: Countries of birth are ranked based on 2010 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 2010 by type of petition. Sixty-eight percent of workers granted H-1B status during FY 2010 were between 25 and 34 years of age at the time their petitions were approved. Fifty-four percent of initial beneficiaries were under 30, compared with 27 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 2010**

Age	All Beneficiaries	Percent	Initial Employment	Percent	Continuing Employment	Percent
<b>Total</b>	<b>192,990</b>		<b>76,627</b>		<b>116,363</b>	
<b>Age known</b>	<b>192,953</b>	<b>100</b>	<b>76,614</b>	<b>100</b>	<b>116,339</b>	<b>100</b>
Under 20	72	0.0	70	0.1	2	0.0
20-24	9,938	5.2	9,015	11.8	923	0.8
25-29	63,496	32.9	32,476	42.4	31,020	26.7
30-34	67,150	34.8	19,910	26.0	47,240	40.6
35-39	31,593	16.4	8,613	11.2	22,980	19.8
40-44	11,606	6.0	3,480	4.5	8,126	7.0
45-49	5,294	2.7	1,746	2.3	3,548	3.0
50-54	2,190	1.1	713	0.9	1,477	1.3
55-59	982	0.5	342	0.4	640	0.6
60-64	461	0.2	178	0.2	283	0.2
65 and over	171	0.1	71	0.1	100	0.1
<b>Age unknown</b>	<b>37</b>	<b>-----</b>	<b>13</b>	<b>-----</b>	<b>24</b>	<b>-----</b>

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 2009 and 2010. As shown in Table 6, 42 percent of all H-1B petitions approved for workers in Fiscal Year 2010 reported that the beneficiary had earned the equivalent of a bachelor’s degree; 39 percent a master’s degree; 12 percent a doctorate, and six 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 2007-2010**

<b>Level of Education</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Education known</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Less than a Bachelor's degree	1	1	1	1
Bachelor's degree	44	43	41	42
Master's degree	40	41	40	39
Doctorate degree	10	11	13	12
Professional degree	5	5	6	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 2010**

<b>Level of Education</b>	<b>All Beneficiaries</b>	<b>Percent</b>	<b>Initial Employment</b>	<b>Percent</b>	<b>Continuing Employment</b>	<b>Percent</b>
<b>Total</b>	<b>192,990</b>		<b>76,627</b>		<b>116,363</b>	
<b>Education known</b>	<b>192,977</b>	<b>100</b>	<b>76,622</b>	<b>100</b>	<b>116,355</b>	<b>100</b>
No high school diploma	208	0.1	140	0.2	68	0.1
High school graduate	323	0.2	201	0.3	122	0.1
Less than 1 year of college credit	49	0.0	24	0.0	25	0.0
1 or more years of college credit, no diploma	484	0.3	213	0.3	271	0.2
Associate's degree	389	0.2	161	0.2	228	0.2
Bachelor's degree	81,943	42.5	34,153	44.6	47,790	41.1
Master's degree	75,722	39.2	26,676	34.8	49,046	42.2
Doctorate degree	22,514	11.7	10,422	13.6	12,092	10.4
Professional degree	11,345	5.9	4,632	6.0	6,713	5.8
<b>Education unknown</b>	<b>13</b>	<b>-----</b>	<b>5</b>	<b>-----</b>	<b>8</b>	<b>-----</b>

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 2009 and 2010. The category of computer-related occupations was the largest occupational category in 2010; its share of total petitions approved increased to 47 percent in Fiscal Year 2010 from 42 percent in Fiscal Year 2009. The corresponding shares for initial employment and continuing employment in computer-related occupations were 42 and 51 percent, respectively. The top ten occupational categories representing more than 96 percent of all beneficiaries had more continuing than initial beneficiaries.

The number of H-1B petitions approved for workers in computer-related occupations increased two percent from 88,961 in 2009 to 90,802 in 2010. The remaining occupation groups decreased 19 percent between 2009 and 2010.

**Table 8A. H-1B Petitions Approved by Major Occupation Group of Beneficiary and Type of Petition (Number): Fiscal Years 2009 and 2010**

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2009	FY2010	FY2009	FY2010	FY2009	FY2010
	Number	Number	Number	Number	Number	Number
<b>Total</b>	<b>214,271</b>	<b>192,990</b>	<b>86,300</b>	<b>76,627</b>	<b>127,971</b>	<b>116,363</b>
<b>Occupation known</b>	<b>213,681</b>	<b>191,165</b>	<b>86,062</b>	<b>75,825</b>	<b>127,619</b>	<b>115,340</b>
Computer-related occupations	88,961	90,802	29,793	31,661	59,168	59,141
Occupations in Architecture, Engineering and Surveying	25,278	19,781	10,789	7,869	14,489	11,912
Occupations in Education	24,711	19,713	10,840	8,626	13,871	11,087
Occupations in Administrative Specializations	21,192	16,516	9,976	7,637	11,216	8,879
Occupations in Medicine and Health	17,621	14,997	8,053	6,224	9,568	8,773
Managers and Officials N.E.C.*	8,276	6,744	3,487	2,999	4,789	3,745
Occupations in Life Sciences	6,456	5,102	3,036	2,466	3,420	2,636
Occupations in Mathematics and Physical Sciences	5,645	4,480	2,640	1,945	3,005	2,535
Miscellaneous Professional, Technical, and Managerial	4,816	4,013	2,122	1,819	2,694	2,194
Occupations in Social Sciences	4,461	4,011	2,155	1,911	2,306	2,100
Occupations in Art	2,798	2,116	1,336	1,084	1,462	1,032
Occupations in Law and Jurisprudence	1,416	1,136	783	562	633	574
Occupations in Writing	925	745	444	385	481	360
Occupations in Entertainment and Recreation	470	452	237	249	233	203
Fashion Models	259	250	126	194	133	56
Occupations in Religion and Theology	178	160	146	123	32	37
Occupations in Museum, Library & Archival Sciences	218	147	99	71	119	76
<b>Occupation unknown</b>	<b>590</b>	<b>1,825</b>	<b>238</b>	<b>802</b>	<b>352</b>	<b>1,023</b>

Notes: Occupations ranked based on 2010 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 2009 and 2010**

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2009 Number	FY2010 Number	FY2009 Number	FY2010 Number	FY2009 Number	FY 2010 Number
<b>Occupation known</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Computer-related occupations	41.6	47.5	34.6	41.8	46.4	51.3
Occupations in Architecture, Engineering, and Surveying	11.8	10.3	12.5	10.4	11.4	10.3
Occupations in Education	11.6	10.3	12.6	11.4	10.9	9.6
Occupations in Administrative Specializations	9.9	8.6	11.6	10.1	8.8	7.7
Occupations in Medicine and Health	8.2	7.8	9.4	8.2	7.5	7.6
Managers and Officials N.E.C.*	3.9	3.5	4.1	4.0	3.8	3.2
Occupations in Life Sciences	3.0	2.7	3.5	3.3	2.7	2.3
Occupations in Mathematics and Physical Sciences	2.6	2.3	3.1	2.6	2.4	2.2
Miscellaneous Professional, Technical, and Managerial	2.3	2.1	2.5	2.4	2.1	1.9
Occupations in Social Sciences	2.1	2.1	2.5	2.5	1.8	1.8
Occupations in Art	1.3	1.1	1.6	1.4	1.1	0.9
Occupations in Law and Jurisprudence	0.7	0.6	0.9	0.7	0.5	0.5
Occupations in Writing	0.4	0.4	0.5	0.5	0.4	0.3
Occupations in Entertainment and Recreation	0.2	0.2	0.3	0.3	0.2	0.2
Fashion Models	0.1	0.1	0.1	0.3	0.1	0.0
Occupations in Religion and Theology	0.1	0.1	0.2	0.2	0.0	0.0
Occupations in Museum, Library, and Archival Sciences	0.1	0.1	0.1	0.1	0.1	0.1
<b>Occupation unknown</b>	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked based on 2010 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 2009 and 2010. Each table shows occupations arranged in descending order by the total number of beneficiaries approved in Fiscal Year 2010. The relative distributions in 2009 and 2010 were similar. The list is limited to the top 20 categories. Forty-one percent of approved petitions in 2010 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 2009 and 2010**

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2009 Number	FY 2010 Number	FY 2009 Number	FY 2010 Number	FY 2009 Number	FY 2010 Number
<b>Total</b>	<b>214,271</b>	<b>192,900</b>	<b>86,300</b>	<b>76,627</b>	<b>127,971</b>	<b>116,363</b>
<b>Occupation known</b>	213,671	191,151	86,059	75,818	127,612	115,333
Occupations in Systems Analysis and Programming	75,838	78,440	24,947	27,560	50,891	50,880
Occupations in College and University Education	17,326	14,209	8,017	6,695	9,309	7,514
Computer-Related Occupations, N.E.C.*	9,527	9,331	3,396	3,031	6,131	6,300
Electrical/Electronics Engineering Occupations	8,097	7,084	3,543	3,002	4,554	4,082
Physicians and Surgeons	7,252	6,815	2,777	2,631	4,475	4,184
Accountants, Auditors, and Related Occupations	9,364	6,712	4,289	2,890	5,075	3,822
Occupations in Biological Sciences	4,621	3,729	2,168	1,816	2,453	1,913
Misc Professional, Technical, and Managerial Occupations, N.E.C.*	4,370	3,651	1,908	1,629	2,462	2,022
Miscellaneous Managers and Officials, N.E.C.*	4,267	3,612	1,812	1,655	2,455	1,957
Occupations in Economics	3,975	3,606	1,862	1,672	2,113	1,934
Occupations in Administrative Specializations, N.E.C.*	4,072	3,415	1,972	1,734	2,100	1,681
Mechanical Engineering Occupations	4,108	3,321	1,734	1,281	2,374	2,040
Occupations in Medicine and Health, N.E.C.*	3,859	3,206	2,140	1,718	1,719	1,488
Budget and Management Systems Analysis Occupations	3,691	3,075	1,814	1,382	1,877	1,693
Occupations in Architecture, Engineering, and Surveying, N.E.C.*	3,515	2,737	1,483	1,103	2,032	1,634
Occupations in Secondary School Education	2,821	2,243	1,084	795	1,737	1,448
Therapists	2,765	2,105	1,485	925	1,280	1,180
Occupations in Preschool, Primary School, and Kindergarten Education	2,725	1,984	927	644	1,798	1,340
Occupations in Data Communications and Networks	2,231	1,799	970	650	1,261	1,149
Industrial Engineering Occupations	2,308	1,769	1,030	651	1,278	1,118
Other Occupations	36,939	28,308	16,701	12,354	20,238	15,954
<b>Occupation Unknown</b>	600	1,839	241	809	359	1,030

Notes: Occupations ranked on 2010 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 2009 and 2010**

Occupational Category	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2009 Percent	FY 2010 Percent	FY 2009 Percent	FY 2010 Percent	FY 2009 Percent	FY 2010 Percent
<b>Total</b>	-----	-----	-----	-----	-----	-----
<b>Occupation known</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Occupations in Systems Analysis and Programming	35.5	41.0	29.0	36.4	39.9	44.1
Occupations in College and University Education	8.1	7.4	9.3	8.8	7.3	6.5
Computer-Related Occupations, N.E.C.*	4.5	4.9	3.9	4.0	4.8	5.5
Electrical/Electronics Engineering Occupations	3.8	3.7	4.1	4.0	3.6	3.5
Physicians and Surgeons	3.4	3.6	3.2	3.5	3.5	3.6
Accountants, Auditors, and Related Occupations	4.4	3.5	5.0	3.8	4.0	3.3
Occupations in Biological Sciences	2.2	2.0	2.5	2.4	1.9	1.7
Misc Professional, Technical, and Managerial Occupations, N.E.C.*	2.0	1.9	2.2	2.1	1.9	1.8
Miscellaneous Managers and Officials, N.E.C.*	2.0	1.9	2.1	2.2	1.9	1.7
Occupations in Economics	1.9	1.9	2.2	2.2	1.7	1.7
Occupations in Administrative Specializations, N.E.C.*	1.9	1.8	2.3	2.3	1.6	1.5
Mechanical Engineering Occupations	1.9	1.7	2.0	1.7	1.9	1.8
Occupations in Medicine And Health, N.E.C.*	1.8	1.7	2.5	2.3	1.3	1.3
Budget and Management Systems Analysis Occupations	1.7	1.6	2.1	1.8	1.5	1.5
Occupations in Architecture, Engineering, and Surveying, N.E.C.*	1.6	1.4	1.7	1.5	1.6	1.4
Occupations in Secondary School Education	1.3	1.2	1.3	1.0	1.4	1.3
Therapists	1.3	1.1	1.7	1.2	1.0	1.0
Occupations in Preschool, Primary School, and Kindergarten Education	1.3	1.0	1.1	0.8	1.4	1.2
Occupations in Data Communication and Networks	1.0	0.9	1.1	0.9	1.0	1.0
Industrial Engineering Occupations	1.1	0.9	1.2	0.9	1.0	1.0
Other Occupations	17.3	14.8	19.2	16.3	15.9	13.8
<b>Occupation Unknown</b>	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked on 2010 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 compensation<sup>13</sup>

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 2010. As shown in Table 10, the median annual compensation reported by employers of H-1B workers approved for employment during Fiscal Year 2010 was \$68,000. This number compares with \$64,000 in 2009. One-half were expected to earn between \$54,000 and \$90,000. Median compensation ranged from a low of \$32,000 for occupations in religion and theology to a high of \$100,000 for fashion models.

**Table 10. Annual Compensation (\$) of All H-1B Beneficiaries by Major Occupation  
Group: Fiscal Year 2010 (Approvals)**

Occupation	Total Reported	25 <sup>th</sup> Percentile	Median	Mean	75 <sup>th</sup> Percentile
<b>Total</b>	<b>191,712</b>	<b>54,000</b>	<b>68,000</b>	<b>76,000</b>	<b>90,000</b>
<b>Known Occupations with annual compensation</b>	<b>189,913</b>	<b>55,000</b>	<b>68,000</b>	<b>76,000</b>	<b>90,000</b>
Computer-related occupations	90,556	60,000	71,000	77,000	90,000
Occupations in Architecture, Engineering, and Surveying	19,668	61,000	75,000	79,000	91,000
Occupations in Education	19,596	40,000	48,000	56,000	62,000
Occupations in Administrative Specializations	16,302	45,000	60,000	70,000	85,000
Occupations in Medicine and Health	14,670	50,000	63,000	96,000	126,000
Managers and Officials N.E.C.*	6,714	60,000	90,000	100,000	120,000
Occupations in Life Sciences	5,083	40,000	48,000	56,000	65,000
Occupations in Mathematics and Physical Sciences	4,454	54,000	73,000	77,000	93,000
Miscellaneous Professional, Technical, and Managerial	3,981	55,000	83,000	88,000	112,000
Occupations in Social Sciences	3,971	50,000	74,000	85,000	100,000
Occupations in Art	2,093	37,000	48,000	59,000	72,000
Occupations in Law and Jurisprudence	1,126	48,000	92,000	112,000	160,000
Occupations in Writing	733	34,000	45,000	49,000	60,000
Occupations in Entertainment and Recreation	442	28,000	38,000	43,000	53,000
Fashion Models	223	80,000	100,000	157,000	200,000
Occupations in Religion and Theology	156	25,000	32,000	38,000	43,000
Occupations in Museum, Library, and Archival Sciences	145	38,000	46,000	56,000	61,000
<b>Occupation unknown</b>	<b>1,799</b>	<b>47,000</b>	<b>60,000</b>	<b>71,000</b>	<b>85,000</b>

Notes: Occupations ranked by number of beneficiaries.

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

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

25<sup>th</sup> percentile and 75<sup>th</sup> percentile are the lower quarter and upper quarter ranking values, respectively.

<sup>13</sup> 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 \$74,000 for the former and \$60,000 for the latter. In Fiscal Year 2010 workers approved for continuing employment and initial employment reported mean annual compensation of \$81,000 and \$70,000 respectively.

**Table 11. Annual Compensation (\$) of H-1B Beneficiaries for Initial Employment by Major Occupation Group: Fiscal Year 2010 (Approvals)**

Occupation	Total Reported	25 <sup>th</sup> Percentile	Median	Mean	75 <sup>th</sup> Percentile
<b>Total</b>	<b>76,061</b>	<b>50,000</b>	<b>60,000</b>	<b>70,000</b>	<b>80,000</b>
<b>Known Occupations with annual compensation</b>	<b>75,270</b>	<b>50,000</b>	<b>60,000</b>	<b>70,000</b>	<b>80,000</b>
Computer-related occupations	31,583	60,000	63,000	70,000	78,000
Occupations in Education	8,569	38,000	45,000	53,000	57,000
Occupations in Architecture, Engineering, and Surveying	7,813	57,000	70,000	75,000	89,000
Occupations in Administrative Specializations	7,508	41,000	53,000	63,000	71,000
Occupations in Medicine and Health	6,119	47,000	56,000	85,000	90,000
Managers and Officials N.E.C.*	2,987	52,000	84,000	100,000	120,000
Occupations in Life Sciences	2,459	38,000	45,000	53,000	60,000
Occupations in Mathematics and Physical Sciences	1,938	51,000	65,000	72,000	88,000
Occupations in Social Sciences	1,890	45,000	70,000	76,000	100,000
Miscellaneous Professional, Technical, and Managerial	1,803	50,000	73,000	80,000	100,000
Occupations in Art	1,067	35,000	43,000	53,000	60,000
Occupations in Law and Jurisprudence	556	42,000	83,000	99,000	160,000
Occupations in Writing	374	30,000	40,000	45,000	52,000
Occupations in Entertainment and Recreation	240	25,000	34,000	38,000	46,000
Fashion Models	175	80,000	100,000	156,000	208,000
Occupations in Religion and Theology	120	25,000	32,000	37,000	42,000
Occupations in Museum, Library, and Archival Sciences	69	33,000	43,000	48,000	53,000
<b>Occupation unknown</b>	<b>791</b>	<b>44,000</b>	<b>55,000</b>	<b>67,000</b>	<b>75,000</b>

Notes: Occupations ranked by the number of beneficiaries.

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

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

25<sup>th</sup> percentile and 75<sup>th</sup> 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 2010 (Approvals)**

<b>Occupation</b>	<b>Total Reported</b>	<b>25<sup>th</sup> Percentile</b>	<b>Median</b>	<b>Mean</b>	<b>75<sup>th</sup> Percentile</b>
<b>Total</b>	<b>115,651</b>	<b>60,000</b>	<b>74,000</b>	<b>81,000</b>	<b>95,000</b>
<b>Known Occupations with annual compensation</b>	<b>114,643</b>	<b>60,000</b>	<b>74,000</b>	<b>81,000</b>	<b>95,000</b>
Computer-related occupations	58,973	62,000	77,000	81,000	95,000
Occupations in Architecture, Engineering, and Surveying	11,855	65,000	77,000	81,000	93,000
Occupations in Education	11,027	42,000	50,000	58,000	66,000
Occupations in Administrative Specializations	8,794	50,000	69,000	76,000	93,000
Occupations in Medicine and Health	8,551	52,000	73,000	104,000	140,000
Managers and Officials N.E.C.*	3,727	65,000	94,000	101,000	123,000
Occupations in Life Sciences	2,624	43,000	50,000	59,000	70,000
Occupations in Mathematics and Physical Sciences	2,516	59,000	78,000	81,000	97,000
Miscellaneous Professional, Technical, and Managerial	2,178	63,000	89,000	94,000	120,000
Occupations in Social Sciences	2,081	58,000	83,000	94,000	115,000
Occupations in Art	1,026	40,000	56,000	65,000	80,000
Occupations in Law and Jurisprudence	570	53,000	105,000	124,000	170,000
Occupations in Writing	359	38,000	50,000	54,000	63,000
Occupations in Entertainment and Recreation	202	33,000	42,000	50,000	64,000
Occupations in Museum, Library, and Archival Sciences	76	42,000	52,000	63,000	65,000
Fashion Models	48	78,000	100,000	160,000	151,000
Occupations in Religion and Theology	36	24,000	34,000	40,000	51,000
<b>Occupation unknown</b>	<b>1,008</b>	<b>52,000</b>	<b>69,000</b>	<b>75,000</b>	<b>90,000</b>

Notes: Occupations ranked by the number of beneficiaries.

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

Definitions: Median is the middle ranking value (50<sup>th</sup> percentile) of all values.  
25<sup>th</sup> percentile and 75<sup>th</sup> 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 2009 and 2010. The number of workers approved for all known industries decreased nine percent from 197,246 in Fiscal Year 2009 to 179,195 in Fiscal Year 2010. The only industry which witnessed a significant increase in approvals was the software publishers industry, which saw an increased of 174 percent in Fiscal Year 2010.

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 2009 and 2010**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2009 Number	FY 2010 Number	FY 2009 Number	FY 2010 Number	FY 2009 Number	FY 2010 Number
<b>Total</b>	<b>214,271</b>	<b>192,990</b>	<b>86,300</b>	<b>76,627</b>	<b>127,971</b>	<b>116,363</b>
<b>Industry known</b>	<b>197,246</b>	<b>179,195</b>	<b>78,999</b>	<b>70,674</b>	<b>118,247</b>	<b>108,521</b>
Computer Systems Design & Related Services	66,236	64,624	23,828	23,821	42,408	40,803
Colleges, Universities, & Professional Schools	22,991	19,162	10,420	8,852	12,571	10,310
Management, Scientific, & Technical Consulting Services	7,147	6,735	3,074	2,886	4,073	3,849
Architectural, Engineering, & Related Services	8,247	5,719	3,419	2,087	4,828	3,632
General Medical and Surgical Hospitals	5,670	5,607	2,432	2,303	3,238	3,304
Securities & Commodity Contracts Intermediation & Brokerage	4,865	5,094	1,718	1,880	3,147	3,214
Elementary and Secondary Schools	6,192	4,709	2,199	1,533	3,993	3,176
Scientific Research and Development Services	5,579	4,644	2,493	2,104	3,086	2,540
Software Publishers	1,682	4,605	583	2,097	1,099	2,508
Semiconductor & Other Electronic Component Manufacturing	4,193	3,867	1,867	1,742	2,326	2,125
Computer and Peripheral Equipment Manufacturing	2,766	2,992	1,047	935	1,719	2,057
Accounting, Tax Preparation, Bookkeeping, & Payroll Services	4,097	2,707	2,072	1,205	2,025	1,502
Offices of Physicians	2,482	2,514	894	947	1,588	1,567
Other Financial Investment Activities	2,441	2,191	1,012	848	1,429	1,343
Communications Equipment Manufacturing	2,150	2,092	875	786	1,275	1,306
Offices of Other Health Practitioners	1,878	1,694	1,097	781	781	913
Other Professional, Scientific, & Technical Services	1,524	1,451	700	689	824	762
Depository Credit Intermediation	1,131	1,312	274	302	857	1,010
Pharmaceutical and Medicine Manufacturing	1,523	1,222	539	406	984	816
Health and Personal Care Stores	1,487	1,211	526	238	961	973
Other industries	42,965	35,043	17,930	14,232	25,035	20,811
<b>Industry unknown</b>	<b>17,025</b>	<b>13,795</b>	<b>7,301</b>	<b>5,953</b>	<b>9,724</b>	<b>7,842</b>

Notes: Industries ranked by total beneficiaries in 2010  
NAICS - North American Industry Classification System



**Table 13B. H-1B Petitions Approved by Detailed Industry and Type of Petition (Percent)  
Fiscal Years 2009 and 2010**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY2009 Percent	FY2010 Percent	FY2009 Percent	FY2010 Percent	FY2009 Percent	FY2010 Percent
<b>Total</b>	-----	-----	-----	-----	-----	-----
<b>Industry known</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Computer Systems Design & Related Services	33.6	36.1	30.2	33.7	35.9	37.6
Colleges, Universities & Professional Schools	11.7	10.7	13.2	12.5	10.6	9.5
Management, Scientific & Technical Consulting Services	3.6	3.8	3.9	4.1	3.4	3.5
Architectural, Engineering & Related Services	4.2	3.2	4.3	3.0	4.1	3.3
General Medical and Surgical Hospitals	2.9	3.1	3.1	3.3	2.7	3.0
Securities & Commodity Contracts Intermediation & Brokerage	2.5	2.8	2.2	2.7	2.7	3.0
Elementary and Secondary Schools	3.1	2.6	2.8	2.2	3.4	2.9
Scientific Research and Development Services	2.8	2.6	3.2	3.0	2.6	2.3
Software Publishers	0.9	2.6	0.7	3.0	0.9	2.3
Semiconductor & Other Electronic Component Manufacturing	2.1	2.2	2.4	2.5	2.0	2.0
Computer and Peripheral Equipment Manufacturing	1.4	1.7	1.3	1.3	1.5	1.9
Accounting, Tax Preparation, Bookkeeping, & Payroll Services	2.1	1.5	2.6	1.7	1.7	1.4
Offices of Physicians	1.3	1.4	1.1	1.3	1.3	1.4
Other Financial Investment Activities	1.2	1.2	1.3	1.2	1.2	1.2
Communications Equipment Manufacturing	1.1	1.2	1.1	1.1	1.1	1.2
Offices of Other Health Practitioners	1.0	0.9	1.4	1.1	0.7	0.8
Other Professional, Scientific & Technical Services	0.8	0.8	0.9	1.0	0.7	0.7
Depository Credit Intermediation	0.6	0.7	0.3	0.4	0.7	0.9
Pharmaceutical and Medicine Manufacturing	0.8	0.7	0.7	0.6	0.8	0.8
Health and Personal Care Stores	0.8	0.7	0.7	0.3	0.8	0.9
Other industries	21.8	19.6	22.7	20.1	21.2	19.2
<b>Industry unknown</b>	-----	-----	-----	-----	-----	-----

Notes: Industries ranked by total beneficiaries in 2010.  
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, the H Classification Supplement to Form I-129, and the 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 of a properly filed petition,<sup>14</sup> 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.

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<sup>14</sup> Petitions that are improperly filed (e.g., submitted without the correct supplements, proper signatures, or required fees) are rejected by the service center. Rejected petitions are returned to the petitioner with any submitted fees. 8 CFR 103.2(a)(7).