
U.S. Department of Homeland Security



**U.S. Citizenship
and Immigration
Services**

Characteristics of Specialty Occupation Workers (H-1B): Fiscal Year 2004

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Report Mandated by Public Law 105-277, Division C, American Competitiveness and Workforce Improvement Act of 1998

Characteristics of Specialty Occupation Workers (H-1B): October 2003 to September 2004

This report is mandated under section 416(c)(2) of the American Competitive and Workforce Improvement Act of 1998 (ACWIA), which states: "... (T)he Attorney General shall submit on an annual basis, to the Committees on the Judiciary of the United States House of Representatives and the Senate, information on the countries of origin and occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act during the previous fiscal year."

During the transition to the Department of Homeland Security, the legacy Immigration and Naturalization Service (INS) and the newly created United States Citizenship and Immigration Services (USCIS) failed to identify and assume the reporting responsibility for this report and therefore did not provide the report in a timely manner. USCIS is submitting the required information and will provide future reports in accordance with applicable statutes.

Highlights

- The number of petitions filed increased 35% from 231,030 in fiscal year 2003 to 312,200 in fiscal year 2004.
- The number of petitions approved increased 32% from 217,340 in fiscal year 2003 to 287,418 in fiscal year 2004.
- Approximately 43 percent of all petitions approved in fiscal year 2004 were for workers born in India.
- Sixty-six percent of petitions approved in fiscal year 2004 were for workers between the ages of 25 and 34.
- Forty-nine percent of petitions approved in fiscal year 2004 were for workers with a bachelor's degree. Thirty-four percent had a master's degree, eleven percent had a doctorate and five percent were for workers with a professional degree.
- Forty-four percent of petitions approved in fiscal year 2004 were for workers in computer-related occupations.
- The median salary rose slightly from \$52,000 in fiscal year 2003 to \$53,000 in fiscal year 2004.

Background

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

The H-1B nonimmigrant classification is a vehicle through which qualified aliens may seek admission to the United States on a temporary basis to work in their fields of expertise. Prior to employing an H-1B temporary worker, a U.S. employer must first 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 equate to admission of the alien to the U.S. in H-1B status. The Department of State (DOS) plays a vital role in the H-1B admission process.

Prior to filing the H-1B petition with USCIS, the U.S. employer must first file a Labor Condition Application (LCA) with the Department of Labor (DOL) specifying the job, salary, length and geographic location of employment. In addition, the employer must agree to pay the alien the greater of the actual or prevailing wage for the position. Once DOL approves the LCA, the U.S. employer may file the H-1B petition with USCIS.

To qualify as a specialty occupation, the position must meet one of the following requirements: (1) a bachelor’s or higher degree or its equivalent is normally the minimum entry requirement for the position; (2) the degree requirement is common to the industry or, in the alternative, the position is so complex or unique that it can be performed only by an individual with a degree; (3) the employer normally requires a degree or its equivalent for the position; or (4) the nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with attainment of a bachelor’s or higher degree. See 8 C.F.R. § 214.2(h)(4)(iii)(A). In order to perform services in a specialty occupation, an alien must meet one of the following criteria: (1) hold a United States baccalaureate or higher degree as required by the specialty occupation from an accredited college or university; (2) possess a foreign degree determined to be equivalent to a United States baccalaureate or higher degree as required by the specialty occupation from an accredited college or university; (3) have any required license or other official permission to practice the occupation (for example, architect, surveyor, physical therapist) in the state in which employment is sought; or (4) have, as determined by USCIS, the equivalent of the degree required by the specialty occupation acquired through a combination of education, training, and/or experience. Specialty occupations may include, but are not limited to, computer systems analysts and programmers, physicians, professors, engineers, and accountants.

An alien may be admitted to the United States in H-1B status for a maximum period of six years; however, the H-1B petition may only be approved for a maximum period of three years. See INA § 214(g)(4). Thus, the H-1B petition may be used to sponsor an alien for an initial period of H-1B employment or to extend or change the authorized stay of an alien previously admitted to the United States in H-1B status or another nonimmigrant status. Additionally, an employer may file the petition to sponsor an alien who currently has status as an H-1B nonimmigrant working for another employer or to seek an amendment of a previously approved petition. In the case of a petition to amend a previously approved petition, no corresponding request need be made to extend the authorized stay of the beneficiary. For

¹ Section 214(i)(1) of the Immigration and Nationality Act 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).

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 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 established that a maximum of 65,000 H-1B visas may be issued to aliens during each fiscal year. This limitation, commonly referred to as the "H-1B cap," does not apply to H-1B petitions filed on behalf of aliens who have been counted against the cap in the previous six years and who have not been outside of the United States for one year or longer. Thus, generally, petitions to extend an H-1B nonimmigrant's period of stay, change the conditions of the H-1B nonimmigrant's current employment, or request new H-1B employment filed on behalf of H-1B workers already in the United States will not count against the H-1B fiscal year cap.

The INA, as amended by the Immigration Act of 1990 and 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 2001. AC21 raised the limit on petitions in fiscal year 2001 from 107,500 to 195,000 and in fiscal year 2002 from 65,000 to 195,000. The limit in fiscal year 2003 was 195,000. Starting in fiscal year 2004, the H-1B cap reverted back to 65,000 per fiscal year and presently remains at that level. These statutory provisions also provided for certain exemptions from the fiscal year H-1B cap and petitions for new H-1B employment are exempt if the aliens will be employed at institutions of higher education or related or affiliated nonprofit entities, or at nonprofit research organizations or governmental research organizations. In addition, the H-1B Visa Reform Act of 2004 mandates that the first 20,000 H-1B petitions filed on behalf of aliens with U.S.-earned masters' 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).

Petitions

During fiscal year 2004, USCIS approved 287,418 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 submit a petition on behalf of an individual H-1B worker (multiple petitions). The number of approved H-1B petitions for new employment also exceeds the cap because of employer-based cap exemptions and multiple petitions for individuals. For example, approved petitions for initial employment are exempt from the cap if the sponsors are institutions of higher education or nonprofit organizations affiliated with institutions of higher education. Likewise, approved petitions for new H-1B employment are exempt from the cap if the alien worker will be employed at a nonprofit research organization or a governmental research organization.

Table 1 shows for fiscal year 2004 the number of petitions filed and/or approved for initial and continuing employment. Of the 287,418 petitions approved in 2004, a total of 130,497 petitions, or 45 percent, were for initial employment.³ The corresponding number of petitions for continuing employment was 156,921.⁴ These workers may have had a second (or subsequent) petition filed on their behalf in order to: 1) extend the period allowed to work with their current employer; 2) notify USCIS of changes in the conditions of employment including a change of employer; or 3) request concurrent H-1B status with another employer.

The number of H-1B petitions filed increased 35 percent and petitions approved increased 32 percent between fiscal years 2003 and 2004. For initial employment, petitions filed increased 51 percent and petitions approved rose 24 percent. In contrast, petitions filed for continuing employment climbed 21 percent and petitions approved increased 40 percent. The number of petitions approved for continuing employment increased from 112,026 in 2003 to 156,921 in 2004.

**Table 1. H-1B Petitions Filed and/or Approved by Type of Petition:
Fiscal Years 2001 to 2004**

	FY 2001	FY 2002	FY 2003	FY 2004
Petitions filed	342,035	215,190	231,030	312,200
Initial Employment	201,543	109,576	108,526	163,549
Continuing Employment	140,492	105,614	122,504	148,651
Petitions approved¹	331,206	197,537	217,340	287,418
Initial Employment	201,079	103,584	105,314	130,497
Continuing Employment	130,127	93,953	112,026	156,921

¹ Regardless of when filed.

³ The terms “initial employment” and “continuing employment” are used throughout this report to identify two types of petitions. Petitions for initial employment are filed for first-time H-1B employment with employers, only some of which are applied to the annual cap. Continuing employment petitions refer to extensions, sequential employment, and concurrent employment, which are filed for aliens already in the United States. Extensions are filed for H-1B workers intending to work beyond the initial 3-year period up to 6 years, the maximum period permissible under law during fiscal year 2004. Sequential employment refers to petitions for workers transferring between H-1B employers within the 6-year period. Finally, petitions for concurrent employment are filed for H-1B workers intending to work simultaneously for a second or subsequent H-1B employer.

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

Table 2 shows the number of petitions filed by quarter in fiscal years 2001 to 2004. Petitions filed in 2004 increased from 69,835 in the first quarter to 103,520 in the fourth quarter. The trend over the last two fiscal years has been a general increase in filings each quarter of the fiscal year.

Table 2. H-1B Petitions Filed by Quarter: Fiscal Years 2001 to 2004

Quarter	FY 2001	FY 2002	FY 2003	FY 2004	Initial Employment FY 2004	Percent of Total	Continuing Employment FY 2004	Percent of Total
Total	342,035	215,190	231,030	312,200	163,549	100	148,651	100
October-December	128,758	53,888	50,633	69,835	34,949	21.4	34,886	23.5
January-March	75,395	51,905	52,722	64,022	26,891	16.4	37,131	25.0
April-June	65,942	53,429	61,302	74,823	35,560	21.7	39,263	26.4
July-September	71,940	55,968	66,373	103,520	66,149	40.4	37,371	25.1

Table 3 provides a breakdown of approved petitions in fiscal years 2001 to 2004 by type of petition. Approximately 130,500 H-1B beneficiaries were approved for initial employment and about 157,000 for continuing employment in fiscal year 2004. Approximately 54 percent of the beneficiaries of initial employment were in the United States in another nonimmigrant status. In 2002 and 2003, these numbers were 65 and 60 percent, respectively.

The number of aliens outside the United States approved for initial employment grew from 41,895 to 60,271 in fiscal year 2004, still 48 percent below fiscal year 2001. The corresponding numbers for aliens in the United States changing to H-1B status rose to 70,226 in 2004 from 63,419. The number of H-1B workers approved to continue employment increased 29 percent in 2004.

Table 3. H-1B Petitions Approved by Type: Fiscal Years 2001 to 2004

Type of Petition	Petitions Approved							
	FY 2001	Percent	FY 2002	Percent	FY 2003	Percent	FY 2004	Percent
Total	331,206	100	197,537	100	217,340	100	287,418	100
Initial employment	201,079	61	103,584	52	105,314	48	130,497	45
Aliens outside U.S.	115,759	35	36,494	18	41,895	19	60,271	21
Aliens in U.S.	85,320	26	67,090	34	63,419	29	70,226	24
Continuing employment	130,127	39	93,953	48	112,026	52	156,921	55

Country of Birth

Tables 4A and 4B show the distribution of beneficiaries by country of birth.⁵ Forty-three percent of the H-1B petitions approved in fiscal year 2004 were granted to individuals born in India, an increase of fifty-six percent over 2003. The number of beneficiaries from China, the second leading source of H-1B beneficiaries, increased thirty-one percent in 2004. The number of beneficiaries from India approved for initial employment increased 105% over 2003, while the number of beneficiaries approved for continuing employment increased by 27%. There was an increase in the number of beneficiaries for the top 20 countries.

Table 4A. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of Petition (Number): Fiscal Years 2003 and 2004

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003 Number	FY 2004 Number	FY 2003 Number	FY 2004 Number	FY 2003 Number	FY 2004 Number
Total	217,340	287,418	105,314	130,497	112,026	156,921
Country of birth known	217,031	287,418	105,185	130,497	111,846	156,921
India	79,166	123,567	29,269	60,062	49,897	63,505
China, People's Republic	20,063	26,258	11,144	11,365	8,919	14,893
Canada	11,160	13,412	6,201	5,229	4,959	8,183
Philippines	10,454	11,300	6,852	4,783	3,602	6,517
United Kingdom	7,599	8,198	3,871	3,391	3,728	4,807
Korea	6,614	8,159	3,893	3,924	2,721	4,235
Japan	5,716	6,234	3,287	2,845	2,429	3,389
Taiwan	4,076	4,860	2,109	1,922	1,967	2,938
Pakistan	3,549	4,174	1,501	1,536	2,048	2,638
Germany	3,408	3,981	1,788	1,769	1,620	2,212
Colombia	3,125	3,892	1,771	1,578	1,354	2,314
Mexico	3,407	3,884	1,969	1,601	1,438	2,283
France	3,190	3,735	1,621	1,622	1,569	2,113
Russia	2,905	3,421	1,265	1,308	1,640	2,113
Venezuela	2,677	3,027	1,798	1,532	879	1,495
Turkey	2,305	2,796	1,311	1,328	994	1,468
Brazil	2,354	2,688	1,307	1,201	1,047	1,487
Argentina	2,230	2,384	1,479	1,118	751	1,266
Israel	1,841	2,173	1,085	1,053	756	1,120
Australia	1,925	2,128	986	907	939	1,221
Other countries	39,267	47,147	20,678	20,423	18,589	26,724
Country of birth unknown	309	0	129	0	180	0

Notes: Countries of birth are ranked based on 2004 data.

⁵ Data actually represent countries and territories of birth.

Table 4B. H-1B Petitions Approved by Country of Birth of Beneficiary and Type of Petition (Percent): Fiscal Years 2003 and 2004

Country of Birth	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003 Percent	FY 2004 Percent	FY 2003 Percent	FY 2004 Percent	FY 2003 Percent	FY 2004 Percent
Total	-----	-----	-----	-----	-----	-----
Country of birth known	100	100	100	100	100	100
India	36.5	43.0	27.8	46.0	44.6	40.5
China, People's Republic	9.2	9.1	10.6	8.7	8.0	9.5
Canada	5.1	4.7	5.9	4.0	4.4	5.2
Philippines	4.8	3.9	6.5	3.7	3.2	4.2
United Kingdom	3.5	2.9	3.7	2.6	3.3	3.1
Korea	3.0	2.8	3.7	3.0	2.4	2.7
Japan	2.6	2.2	3.1	2.2	2.2	2.2
Taiwan	1.9	1.7	2.0	1.5	1.8	1.9
Pakistan	1.6	1.5	1.4	1.2	1.8	1.7
Germany	1.6	1.4	1.7	1.4	1.4	1.4
Colombia	1.4	1.4	1.7	1.2	1.2	1.5
Mexico	1.6	1.4	1.9	1.2	1.3	1.5
France	1.5	1.3	1.5	1.2	1.4	1.3
Russia	1.3	1.2	1.2	1.0	1.5	1.3
Venezuela	1.2	1.1	1.7	1.2	0.8	1.0
Turkey	1.1	1.0	1.2	1.0	0.9	0.9
Brazil	1.1	0.9	1.2	0.9	0.9	0.9
Argentina	1.0	0.8	1.4	0.9	0.7	0.8
Israel	0.8	0.8	1.0	0.8	0.7	0.7
Australia	0.9	0.7	0.9	0.7	0.8	0.8
Other countries	18.1	16.4	19.7	15.7	16.6	17.0
Country of birth unknown	-----	-----	-----	-----	-----	-----

Notes: Countries of birth are ranked based on 2004 data.

Percents shown in the table are based on the total number of petitions approved with country of birth known.

Totals may not add due to rounding.

Age

Table 5 shows the age distribution of the H-1B beneficiaries in fiscal year 2004 by type of petition. Sixty-six percent of workers granted H-1B status during 2004 were between 25 and 34 years of age at the time their petitions were approved. Initial beneficiaries were younger than continuing beneficiaries. Fifty-seven percent of initial beneficiaries were under 30, compared with thirty 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 2004

Age	Total	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	287,418		130,497		156,921	
Age known	287,179	100	130,379	100	156,800	100
Under 20	174	0.1%	156	0.1%	18	0.0%
20-24	22,074	7.7%	19,976	15.3%	2,098	1.3%
25-29	99,497	34.6%	54,066	41.5%	45,431	29.0%
30-34	88,830	30.9%	31,197	23.9%	57,633	36.8%
35-39	42,013	14.6%	13,323	10.2%	28,690	18.3%
40-44	19,811	6.9%	6,356	4.9%	13,455	8.6%
45-49	8,633	3.0%	2,984	2.3%	5,649	3.6%
50-54	3,652	1.3%	1,361	1.0%	2,291	1.5%
55-59	1,685	0.6%	645	0.5%	1,040	0.7%
60-64	601	0.2%	235	0.2%	366	0.2%
65 and over	209	0.1%	80	0.1%	129	0.1%
Age unknown	239	-----	118	-----	121	-----

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

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

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

Education

Tables 6 and 7 show the highest level of education achieved by the beneficiaries at the time of their application. 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 Department of Labor forms. However, in nearly all cases, the petitioning employer provides the information in supporting documentation. For degrees earned outside the United States, the employer usually supplies a credential evaluation stating that the foreign degree is “equivalent to” a particular U.S. degree. USCIS does not maintain separate data regarding whether the degree was earned in the United States or abroad. (Data on beneficiaries with U.S. advanced degrees has been available since May 2005.)

The breakdown of the highest level of education achieved by H-1B beneficiaries remained about the same between Fiscal years 2003 and 2004. As shown in Table 6, forty-nine percent of all H-1B petitions approved for workers in 2004 reported that the beneficiary had earned the equivalent of a bachelor's degree; thirty-four percent a master's degree; eleven percent a doctorate, and five percent a professional degree. Altogether, ninety-nine percent earned at least a bachelor's degree and fifty percent earned at least a master's degree.

**Table 6. H-1B Petitions Approved by Level of Education:
Fiscal Years 2001-2004**

Level of Education	Percent of beneficiaries			
	FY 2001	FY 2002	FY 2003	FY 2004
Education known	100	100	100	100
Less than a Bachelor's degree	2	2	2	1
Bachelor's degree	57	50	50	49
Master's degree	31	30	31	34
Doctorate degree	7	12	12	11
Professional degree	3	5	6	5

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

**Table 7. H-1B Petitions Approved by Level of Education of Beneficiary and Type of
Petition: Fiscal Year 2004**

Level of Education	Total	Percent	Initial Employment	Percent	Continuing Employment	Percent
Total	287,418		130,497		156,921	
Education known	287,126	100	130,342	100	156,784	100
No high school diploma	207	0.1%	123	0.1%	84	0.1%
High school graduate	1,047	0.4%	690	0.5%	357	0.2%
Less than 1 year of college credit	236	0.1%	137	0.1%	99	0.1%
1 or more years of college credit, no diploma	1,061	0.4%	421	0.3%	640	0.4%
Associate's degree	975	0.3%	432	0.3%	543	0.3%
Bachelor's degree	139,693	48.7%	62,163	47.7%	77,530	49.5%
Master's degree	97,419	33.9%	45,707	35.1%	51,712	33.0%
Doctorate degree	32,219	11.2%	14,006	10.7%	18,213	11.6%
Professional degree	14,269	5.0%	6,663	5.1%	7,606	4.9%
Education unknown	292		155		137	

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

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

Occupation

- Occupation Category

Tables 8A and 8B shows the distribution of beneficiaries by occupation category for fiscal year 2004. The petitioning employer supplies the occupation code on the Labor Condition Application (LCA).⁶ Computer-related occupations were the most numerous occupation category in 2004; their share of total petitions approved increased from 39 percent in 2003 to 45 percent in fiscal year 2004. The corresponding percentages for initial employment and continuing employment in computer-related occupations were 44 and 45 percent, respectively. Thirteen of the seventeen occupation categories had more continuing than initial H-1B beneficiaries. One category – namely, occupations in architecture, engineering and surveying had - 54 percent more continuing than initial beneficiaries.

The number of H-1B petitions approved for workers in computer-related occupations increased almost 53 percent from 83,114 in 2003 to 127,279 in 2004. Nearly every occupation group increased between 2003 and 2004. The only exception was occupations in religion and theology (-4 percent).

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

Table 8A. H-1B Petitions Approved by Major Occupation Group of Beneficiary and Type of Petition (Number): Fiscal Years 2003 and 2004

Occupation	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003	FY 2004	FY 2003	FY 2004	FY 2003	FY 2004
	Number	Number	Number	Number	Number	Number
Total	217,340	287,418	105,314	130,497	112,026	156,921
Occupation known	215,955	285,778	104,458	129,703	111,497	156,075
Computer-Related Occupations	83,114	127,279	28,879	56,559	54,235	70,720
Occupations in Architecture, Engineering, and Surveying	26,843	34,595	12,551	13,625	14,292	20,970
Occupations in Education	23,980	27,583	15,008	13,185	8,972	14,398
Occupations in Administrative Specializations	23,072	27,537	13,892	13,792	9,180	13,745
Occupations in Medicine and Health	15,623	17,676	8,934	8,465	6,689	9,211
Managers and Officials n.e.c.	10,457	12,047	5,854	5,326	4,603	6,721
Occupations in Life Sciences	8,111	9,290	4,770	4,340	3,341	4,950
Occupations in Mathematics and Physical Sciences	5,679	7,129	3,110	3,105	2,569	4,024
Occupations in Social Sciences	5,709	6,557	3,409	3,261	2,300	3,296
Miscellaneous Professional, Technical, and Managerial	4,876	6,055	2,745	2,879	2,131	3,176
Occupations in Art	3,355	4,078	1,951	1,959	1,404	2,119
Occupations in Law and Jurisprudence	1,575	1,962	977	1,022	598	940
Occupations in Writing	1,564	1,826	931	869	633	957
Occupations in Entertainment and Recreation	708	834	425	393	283	441
Fashion Models	808	811	705	645	103	166
Occupations in Museum, Library, and Archival Sciences	320	364	194	174	126	190
Occupations in Religion and Theology	161	155	123	104	38	51
Occupation unknown	1,385	1,640	856	794	529	846

Notes: Occupations ranked based on 2004 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 2003 and 2004

Occupation	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003	FY 2004	FY 2003	FY 2004	FY 2003	FY 2004
	Percent	Percent	Percent	Percent	Percent	Percent
Total	-----	-----	-----	-----	-----	-----
Occupation known	100	100	100	100	100	100
Computer-Related Occupations	38.5	44.5	27.6	43.6	48.6	45.3
Occupations in Architecture, Engineering, and Surveying	12.4	12.1	12.0	10.5	12.8	13.4
Occupations in Education	11.1	9.7	14.4	10.2	8.0	9.2
Occupations in Administrative Specializations	10.7	9.6	13.3	10.6	8.2	8.8
Occupations in Medicine and Health	7.2	6.2	8.6	6.5	6.0	5.9
Managers and Officials n.e.c.	4.8	4.2	5.6	4.1	4.1	4.3
Occupations in Life Sciences	3.8	3.3	4.6	3.3	3.0	3.2
Occupations in Mathematics and Physical Sciences	2.6	2.5	3.0	2.4	2.3	2.6
Occupations in Social Sciences	2.6	2.3	3.3	2.5	2.1	2.1
Miscellaneous Professional, Technical, and Managerial	2.3	2.1	2.6	2.2	1.9	2.0
Occupations in Art	1.6	1.4	1.9	1.5	1.3	1.4
Occupations in Law and Jurisprudence	0.7	0.7	0.9	0.8	0.5	0.6
Occupations in Writing	0.7	0.6	0.9	0.7	0.6	0.6
Occupations in Entertainment and Recreation	0.3	0.3	0.4	0.3	0.3	0.3
Fashion Models	0.4	0.3	0.7	0.5	0.1	0.1
Occupations in Museum, Library, and Archival Sciences	0.1	0.1	0.2	0.1	0.1	0.1
Occupations in Religion and Theology	0.1	0.1	0.1	0.1	0.0	0.0
Occupation unknown	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked based on 2003 data.

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

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

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

- Detailed Occupation

Tables 9A and 9B indicates the distribution of beneficiaries by detailed major occupation group in descending order in fiscal year 2004. The relative distributions in 2003 and 2004 were similar. The list is limited to the top 20 categories. More than one-third of the approved petitions in 2004 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 2003 and 2004

Occupation	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003 Number	FY 2004 Number	FY 2003 Number	FY 2004 Number	FY 2003 Number	FY 2004 Number
Total	217,340	287,418	105,314	130,497	112,026	156,921
Occupation known	215,890	285,700	104,430	129,671	111,460	156,029
Occupations in Systems Analysis and Programming	72,359	112,168	24,967	50,960	47,392	61,208
Occupations in College and University Education	16,840	19,712	10,116	9,596	6,724	10,116
Accountants, Auditors and Related Occupations	10,415	12,778	6,223	6,384	4,192	6,394
Electrical/Electronics Engineering Occupations	8,391	11,607	3,169	3,913	5,222	7,694
Computer-Related Occupations, n.e.c.	6,744	10,087	2,270	3,653	4,474	6,434
Physicians and Surgeons	6,111	7,022	2,976	3,213	3,135	3,809
Occupations in Biological Sciences	6,075	6,944	3,507	3,205	2,568	3,739
Occupations in Economics	5,161	6,000	3,035	2,950	2,126	3,050
Miscellaneous Managers and Officials, n.e.c.	4,985	5,843	2,615	2,423	2,370	3,420
Occupations in Architecture, Engineering, and Surveying, n.e.c.	4,547	5,528	1,796	1,848	2,751	3,680
Miscellaneous Professional, Technical, and Managerial Occupations, n.e.c.	4,187	5,296	2,277	2,509	1,910	2,787
Mechanical Engineering Occupations	3,928	4,804	1,927	2,151	2,001	2,653
Budget and Management Systems Analysis Occupations	3,443	4,300	2,183	2,334	1,260	1,966
Occupations in Administrative Specializations, n.e.c.	3,599	4,287	2,271	2,191	1,328	2,096
Occupations in Medicine and Health, n.e.c.	3,825	4,102	2,511	2,192	1,314	1,910
Occupations in Preschool, Primary School, and Kindergarten Education	3,355	3,682	2,412	1,762	943	1,920
Civil Engineering Occupations	2,740	3,494	1,592	1,635	1,148	1,859
Architectural Occupations	2,610	3,333	1,438	1,403	1,172	1,930
Occupations in Chemistry	2,515	2,934	1,354	1,159	1,161	1,775
Commercial Artists: Designers and Illustrators, Graphic Arts	2,177	2,756	1,281	1,364	896	1,392
Other Occupations	41,883	49,023	24,510	22,826	17,373	26,197
Occupation Unknown	1,450	1,718	884	826	556	892

Notes: Occupations ranked on 2004 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 2003 and 2004

Occupation	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003 Percent	FY 2004 Percent	FY 2003 Percent	FY 2004 Percent	FY 2003 Percent	FY 2004 Percent
Total	-----	-----	-----	-----	-----	-----
Occupation known	100	100	100	100	100	100
Occupations in Systems Analysis and Programming	33.5	39.3	23.9	39.3	42.5	39.2
Occupations in College and University Education	7.8	6.9	9.7	7.4	6	6.5
Accountants, Auditors and Related Occupations	4.8	4.5	6	4.9	3.8	4.1
Electrical/Electronics Engineering Occupations	3.9	4.1	3	3	4.7	4.9
Computer-Related Occupations, n.e.c.	3.1	3.5	2.2	2.8	4	4.1
Physicians and Surgeons	2.8	2.5	2.8	2.5	2.8	2.4
Occupations in Biological Sciences	2.8	2.4	3.4	2.5	2.3	2.4
Occupations in Economics	2.4	2.1	2.9	2.3	1.9	2
Miscellaneous Managers and Officials, n.e.c.	2.3	2	2.5	1.9	2.1	2.2
Occupations in Architecture, Engineering, and Surveying, n.e.c.	2.1	1.9	1.7	1.4	2.5	2.4
Miscellaneous Professional, Technical, and Managerial Occupations, n.e.c.	1.9	1.9	2.2	1.9	1.7	1.8
Mechanical Engineering Occupations	1.8	1.7	1.8	1.7	1.8	1.7
Budget and Management Systems Analysis Occupations	1.6	1.5	2.1	1.8	1.1	1.3
Occupations in Administrative Specializations, n.e.c.	1.7	1.5	2.2	1.7	1.2	1.3
Occupations in Medicine and Health, n.e.c.	1.8	1.4	2.4	1.7	1.2	1.2
Occupations in Preschool, Primary School, and Kindergarten Education	1.6	1.3	2.3	1.4	0.8	1.2
Civil Engineering Occupations	1.3	1.2	1.5	1.3	1	1.2
Architectural Occupations	1.2	1.2	1.4	1.1	1.1	1.2
Occupations in Chemistry	1.2	1	1.3	0.9	1	1.1
Commercial Artists: Designers and Illustrators, Graphic Arts	1	1	1.2	1.1	0.8	0.9
Other Occupations	19.4	17.2	23.5	17.6	15.6	16.8
Occupation unknown	-----	-----	-----	-----	-----	-----

Notes: Occupations ranked on 2004 data.

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

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

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

Annual Compensation⁷

Tables 10, 11, and 12 show compensation by occupation for beneficiaries of all, initial, and continuing employment, respectively. Each table shows occupations arranged by the total number of beneficiaries approved in fiscal year 2004. As shown in Table 10, the median annual compensation reported by employers of H-1B workers approved for employment during fiscal year 2004 was \$53,000. This number compares with \$52,000 in 2003 and \$53,200 in 2002. One-half were expected to earn between \$42,000 and \$72,000. Median compensation ranged from a low of \$33,000 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 2004**

Occupation	Total Reported	25 th Percentile	Median	75 th Percentile
Total	282,404	42,000	53,000	72,000
Occupations with annual compensation known	280,854	42,000	53,000	72,000
Computer-related occupations	126,054	47,000	58,000	72,000
Occupations in Architecture, Engineering, and Surveying	34,079	46,000	60,000	77,000
Occupations in Education	27,004	33,000	39,000	50,000
Occupations in Administrative Specializations	26,897	36,000	45,000	62,000
Occupations in Medicine and Health	16,927	40,000	49,000	100,000
Managers and Officials N.E.C	11,804	40,000	61,000	97,000
Occupations in Life Sciences	9,205	34,000	41,000	55,000
Occupations in Mathematics and Physical Sciences	7,065	43,000	58,000	77,000
Occupations in Social Sciences	6,384	36,000	49,000	70,000
Miscellaneous Professional, Technical, and Managerial	5,947	40,000	58,000	85,000
Occupations in Art	3,977	33,000	40,000	58,000
Occupations in Law and Jurisprudence	1,900	43,000	88,500	135,000
Occupations in Writing	1,777	29,000	36,000	50,000
Occupations in Entertainment and Recreation	794	26,000	35,000	45,000
Fashion Models	536	100,000	100,000	150,000
Occupations in Museum, Library, and Archival Sciences	357	33,000	39,000	51,000
Occupations in Religion and Theology	147	25,000	33,000	45,000
Unknown occupation	1,550	34,000	45,000	61,000

Notes: Occupations ranked by number of beneficiaries.
Of the 287,418 petitions approved, 1.7 percent (4,924) did not have compensation reported. Another .03 of 1 percent did not have either an occupation or compensation reported.
Of the 282,404 petitions approved with compensation reported, 0.5 of 1 percent (1,550) did not have an occupation reported.
n.e.c. indicates *not elsewhere classified*.

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

⁷ Annual compensation refers to what the employer agreed to pay the beneficiary at the time the application was filed. The amount excludes non-cash compensation and benefits such as health insurance and transportation. Further, compensation is based on full-time employment for 12 months, even if the beneficiary actually worked fewer than 12 months.

As revealed in Tables 11 and 12, beneficiaries for continuing employment reported annual compensation one-quarter higher than did beneficiaries for initial employment. Median annual compensation was \$60,000 for the former and \$48,000 for the latter. In fiscal year 2003, workers approved for continuing employment and initial employment reported median annual compensation of \$60,000 and \$44,800 respectively.

Table 11. Annual Compensation of H-1B Beneficiaries for Initial Employment by Major Occupation Group: Fiscal Year 2004

Occupation	Total Reported	25th Percentile	Median	75th Percentile
Total	127,925	39,000	48,000	60,000
Occupations with annual compensation known	127,177	39,000	48,000	60,000
Computer-related occupations	55,987	45,000	50,000	60,000
Occupations in Administrative Specializations	13,415	34,000	42,000	55,000
Occupations in Architecture, Engineering, and Surveying	13,369	42,000	50,000	67,000
Occupations in Education	12,906	32,000	38,000	47,000
Occupations in Medicine and Health	8,162	38,000	45,000	85,000
Managers and Officials N.E.C	5,196	36,000	50,000	83,500
Occupations in Life Sciences	4,297	33,000	37,000	45,000
Occupations in Social Sciences	3,155	35,000	44,000	60,000
Occupations in Mathematics and Physical Sciences	3,080	39,500	50,000	67,000
Miscellaneous Professional, Technical, and Managerial	2,812	36,000	52,000	79,500
Occupations in Art	1,904	30,000	36,000	48,000
Occupations in Law and Jurisprudence	990	38,000	75,000	125,000
Occupations in Writing	847	28,000	33,000	43,000
Fashion Models	419	100,000	100,000	130,000
Occupations in Entertainment and Recreation	370	25,000	32,000	42,000
Occupations in Museum, Library, and Archival Sciences	170	31,000	36,000	47,000
Occupations in Religion and Theology	98	25000	31000	44000
Unknown occupation	748	33,000	42,000	54,000

Notes: Occupations ranked by the number of beneficiaries.

Of the 130,497 petitions approved for initial employment, 1.9 percent (2,526) did not have compensation reported. Another .04 of 1 percent did not have either an occupation or compensation reported.

Of the 127,177 petitions approved for initial employment with compensation reported, 0.6 of 1 percent (748) did not have an occupation reported.

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 2004

Occupation	Total Reported	25th Percentile	Median	75th Percentile
Total	154,479	45,000	60,000	80,000
Occupations with annual compensation known	153,677	45,000	60,000	80,000
Computer-related occupations	70,067	53,000	65,000	80,000
Occupations in Architecture, Engineering, and Surveying	20,710	50,000	65,000	82,000
Occupations in Education	14,098	35,000	41,000	53,000
Occupations in Administrative Specializations	13,482	38,000	50,000	70,000
Occupations in Medicine and Health	8,765	42,000	55,000	110,000
Managers and Officials N.E.C	6,608	45,000	72,000	105,000
Occupations in Life Sciences	4,908	37,000	45,000	63,000
Occupations in Mathematics and Physical Sciences	3,985	48,000	65,000	80,000
Occupations in Social Sciences	3,229	39,000	54,000	77,000
Miscellaneous Professional, Technical, and Managerial	3,135	43,000	66,000	95,000
Occupations in Art	2,073	36,000	45,000	65,000
Occupations in Writing	930	31,000	40,000	54,000
Occupations in Law and Jurisprudence	910	50,000	105,000	150,000
Occupations in Entertainment and Recreation	424	28,000	36,000	49,000
Occupations in Museum, Library, and Archival Sciences	187	35,000	43,000	56,000
Fashion Models	117	100,000	100,000	208,000
Occupations in Religion and Theology	49	28,000	36,000	50,000
Unknown occupation	802	35,000	50,000	67,000

Notes: Occupations ranked by the number of beneficiaries.

Of the 156,921 petitions approved for continuing employment, 1.6 percent (2,442) did not have compensation reported.

Of the 153,677 petitions approved for continuing employment with compensation reported, 0.5 of 1 percent (802) did not have an occupation reported.

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.

Industry

Tables 13A and 13B shows the industries that employed the most H-1B workers in fiscal year 2004. The leading and largest growth industry was computer systems design and related services, with 95,459 workers compared to 56,872 in 2003, an increase of 68 percent. Among the remaining top ten industries, securities and commodity contracts and brokerage (65%); accounting, tax preparation, bookkeeping and payroll services (37%); semiconductor and other electronic component manufacturing (34%); and architectural, engineering and related services (28%) experienced the fastest growth.

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 because the sponsor does not provide supporting documentation.

**Table 13A. H-1B Petitions Approved by Detailed Industry and Type of Petition
(Number): Fiscal Years 2003 and 2004**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003 Number	FY 2004 Number	FY 2003 Number	FY 2004 Number	FY 2003 Number	FY 2004 Number
Total	217,340	287,418	105,314	130,497	112,026	156,921
Industry known	198,407	265,126	94,615	119,899	103,792	145,227
Computer Systems Design & Related Services	56,872	95,459	19,347	46,573	37,525	48,886
Colleges, Universities, & Professional Schools	21,956	25,784	13,116	12,674	8,840	13,110
Architectural, Engineering, & Related Services	8,969	11,452	4,589	4,992	4,380	6,460
Management, Scientific, & Technical Consulting Services	8,612	9,551	5,023	5,004	3,589	4,547
Scientific Research and Development Services	7,119	8,787	3,818	3,648	3,301	5,139
Elementary and Secondary Schools	4,992	5,553	3,413	2,458	1,579	3,095
Accounting, Tax Preparation, Bookkeeping, & Payroll Services	3,759	5,156	2,160	2,672	1,599	2,484
Securities & Commodity Contracts Intermediation & Brokerage	3,100	5,114	1,294	2,057	1,806	3,057
Semiconductor & Other Electronic Component Manufacturing	3,636	4,891	1,084	1,307	2,552	3,584
General Medical and Surgical Hospitals	4,042	4,683	2,171	2,259	1,871	2,424
Telecommunications	3,807	4,550	1,022	1,092	2,785	3,458
Offices of Physicians	3,019	3,340	1,596	1,543	1,423	1,797
Computer and Peripheral Equipment Manufacturing	1,692	2,618	470	593	1,222	2,025
Communications Equipment Manufacturing	1,856	2,252	353	512	1,503	1,740
Other Professional, Scientific, & Technical Services	1,916	2,208	1,109	1,025	807	1,183
Other Financial Investment Activities	1,788	2,202	923	909	865	1,293
Professional, Scientific, and Technical Services	1,888	2,129	845	750	1,043	1,379
Pharmaceutical and Medicine Manufacturing	1,477	1,903	703	649	774	1,254
Specialized Design Services	1,551	1,900	904	938	647	962
Offices of Other Health Practitioners	1,871	1,880	1,145	899	726	981
Legal Services	1,479	1,854	882	937	597	917
Computer and Electronic Product Manufacturing	1,315	1,678	346	331	969	1,347
Employment Services	1,508	1,595	788	730	720	865
Software Publishers	1,319	1,584	355	343	964	1,241
Other industries	48,864	57,003	27,159	25,004	21,705	31,999
Industry unknown	18,933	22,292	10,699	10,598	8,234	11,694

Notes: Industries ranked by total beneficiaries in 2004.
NAICS stands for North American Industry Classification System.

**Table 13B. H-1B Petitions Approved by Detailed Industry and Type of Petition
(Percent): Fiscal Years 2003 and 2004**

Industry	All Beneficiaries		Initial Employment		Continuing Employment	
	FY 2003 Percent	FY 2004 Percent	FY 2003 Percent	FY 2004 Percent	FY 2003 Percent	FY 2004 Percent
Total	-----	-----	-----	-----	-----	-----
Industry known	100	100	100	100	100	100
Computer Systems Design & Related Services	28.7	36.0	20.4	38.8	36.2	33.7
Colleges, Universities, & Professional Schools	11.1	9.7	13.9	10.6	8.5	9.0
Architectural, Engineering, & Related Services	4.5	4.3	4.9	4.2	4.2	4.4
Management, Scientific, & Technical Consulting Services	4.3	3.6	5.3	4.2	3.5	3.1
Scientific Research and Development Services	3.6	3.3	4.0	3.0	3.2	3.5
Elementary and Secondary Schools	2.5	2.1	3.6	2.1	1.5	2.1
Accounting, Tax Preparation, Bookkeeping, & Payroll Services	1.9	1.9	2.3	2.2	1.5	1.7
Securities & Commodity Contracts Intermediation & Brokerage	1.6	1.9	1.4	1.7	1.7	2.1
Semiconductor & Other Electronic Component Manufacturing	1.8	1.8	1.1	1.1	2.5	2.5
General Medical and Surgical Hospitals	2.0	1.8	2.3	1.9	1.8	1.7
Telecommunications	1.9	1.7	1.1	0.9	2.7	2.4
Offices of Physicians	1.5	1.3	1.7	1.3	1.4	1.2
Computer and Peripheral Equipment Manufacturing	0.9	1.0	0.5	0.5	1.2	1.4
Communications Equipment Manufacturing	0.9	0.8	0.4	0.4	1.4	1.2
Other Professional, Scientific, & Technical Services	1.0	0.8	1.2	0.9	0.8	0.8
Other Financial Investment Activities	0.9	0.8	1.0	0.8	0.8	0.9
Professional, Scientific, and Technical Services	1.0	0.8	0.9	0.6	1.0	0.9
Pharmaceutical and Medicine Manufacturing	0.7	0.7	0.7	0.5	0.7	0.9
Specialized Design Services	0.8	0.7	1.0	0.8	0.6	0.7
Offices of Other Health Practitioners	0.9	0.7	1.2	0.7	0.7	0.7
Legal Services	0.7	0.7	0.9	0.8	0.6	0.6
Computer and Electronic Product Manufacturing	0.7	0.6	0.4	0.3	0.9	0.9
Employment Services	0.8	0.6	0.8	0.6	0.7	0.6
Software Publishers	0.7	0.6	0.4	0.3	0.9	0.9
Other industries	24.6	21.5	28.7	20.9	20.9	22.0
Industry unknown	-----	-----	-----	-----	-----	-----

Notes: Industries ranked by total beneficiaries in 2003.

Sum of the percents may not add to 100.0 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: H-1B Petition Processing and Data Limitations

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 Data Collection and Filing Fee Exemption Supplement. The petitions are mailed to one of four USCIS Service Centers for processing depending on the location of the sponsoring employer: St. Albans, Vermont; Lincoln, Nebraska; Dallas Texas; and Laguna Niguel, California.

Upon receipt, each petition is stamped with its date of arrival at the Service Center. File assembly clerks create 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.

Bio-data such as name, date of birth, and country of birth are entered from the petition by data entry clerks into the case tracking system Computer-Linked Application Information Management System (CLAIMS3). The computer system generates a unique number for the file, known as a receipt number. The files are distributed to adjudicators after being sorted into potential cap and non-cap cases.

After being received, the files are reviewed by adjudicators, who determine whether they have adequate information in the file to approve or deny the petition. If sufficient evidence is available, a decision is made by the adjudicator and then corresponding information is entered into the tracking system. Otherwise, additional information is sought from the sponsoring employer by the adjudicator. A response from the employer must be made within a set period of time or else the petition will be denied.

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

Data Limitations

The tables in this report have been tabulated from an electronic data file created at headquarters from USCIS service center electronic data files. Errors in this extract file may have occurred in several ways. For example, petition data might have been inaccurate on petitions; keying errors may have occurred during data entry at the service centers or as a result of being improperly transferred electronically between the service centers and headquarters. Minimum editing has been done to the data in this file. Impossible or highly improbable values have been defined as unknown; for example, beneficiaries younger than 16 (except for fashion models) or those beneficiaries working without compensation.

Lastly, information in electronic format is not available regarding the city or state where H-1B workers are employed.