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# **Characteristics of Specialty Occupation Workers (H-1B): October 1999 to February 2000**

U.S. Immigration and Naturalization Service

June 2000

This report presents information on the characteristics of specialty occupation workers who were approved for H-1B nonimmigrant status and authorized to begin employment during the period from October 1, 1999 to February 29, 2000.

INS published a similar report in February with information on workers approved for H-1B nonimmigrant status from May 1998 through July 1999.<sup>1</sup> The February report, which was based on a sample of Fiscal Year 1999 petitions, described the characteristics of workers who were subject to the H-1B annual cap. This second report is based on information provided on all Fiscal Year 2000 H-1B petitions approved as of February 29, 2000, and describes the characteristics of workers subject to and exempt from the annual cap. Both reports contain information comparable to that required by the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA).<sup>2</sup>

## **Type of Petition**

INS approved 81,262 H-1B nonimmigrant petitions submitted by employers on behalf of alien workers during the first 5 months of Fiscal Year 2000. The workers named on the petitions were authorized to begin working during the period from October 1, 1999 to February 29, 2000. In certain cases, more than one U.S. employer submitted a petition on behalf of an individual H-1B worker; therefore, the number of approved petitions exceeds the number of individual H-1B workers.

To maintain the annual H-1B cap, INS records only the approvals of petitions submitted for “new” employment on behalf of alien workers who are not already in the United States in H-1B status. Other H-1B petition approvals are not recorded against the annual cap of 115,000.<sup>3</sup> Of the 81,262 workers named on the approved petitions as of the end of February, a total of 51,574 were subject to the cap, and the remaining 29,688 workers were exempt from the cap. The workers exempt from the cap were previously approved for H-1B employment. These workers may have had a second (or more) petition filed on their behalf in order to 1) extend the period allowed to work with their current employer, or 2) notify INS of changes in the conditions of employment, or 3) request concurrent H-1B status with another employer.

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<sup>1</sup> U.S. Immigration and Naturalization Service, Characteristics of Specialty Occupation Workers (H-1B), February 2000.

<sup>2</sup> Public Law 105-277, Division C, American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), Section 416(c)(2) requires the INS to submit an annual report with “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.” The first annual report under this requirement will be submitted to Congress for those approved for H-1B status in Fiscal Year 2000.

<sup>3</sup> With enactment of the ACWIA, the cap was raised from 65,000 in fiscal year 1998, to 115,000 for fiscal years 1999 and 2000, and 107,500 for fiscal year 2001. Beginning with fiscal year 2002, the cap is scheduled to return to 65,000 under current law.

## Country of Birth

Nearly 43% of the H-1B petitions were granted to persons born in India, which far exceeds China, the next leading country. Indians comprised about 37% of the H-1B petitions subject to the cap, but 51% of the H-1B petitions not subject to the cap. The percents shown in all tables are based on petitions with known characteristics. See the Appendix for an explanation of H-1B procedures and data collection.

**Table 1. H-1B Petitions Approved by Country of Birth and Cap/Non-Cap Status: October 1999 to February 2000**

<i>Country of Birth</i>	<b>Total</b>	<b>Percent</b>	<b>Cap</b>	<b>Percent</b>	<b>Non-Cap</b>	<b>Percent</b>
Total	81,262	-----	51,574	-----	29,688	-----
Known countries of birth	80,786	100.0	51,249	100.0	29,537	100.0
India	34,381	42.6	19,209	37.5	15,172	51.4
China	7,987	9.9	5,394	10.5	2,593	8.8
Canada	3,143	3.9	2,380	4.6	763	2.6
United Kingdom	2,598	3.2	1,693	3.3	905	3.1
Philippines	2,576	3.2	1,638	3.2	938	3.2
Taiwan	1,794	2.2	1,149	2.2	645	2.2
Korea	1,691	2.1	1,302	2.5	389	1.3
Japan	1,631	2.0	1,114	2.2	517	1.8
Pakistan	1,508	1.9	946	1.8	562	1.9
Russia	1,408	1.7	1,045	2.0	363	1.2
Germany	1,261	1.6	873	1.7	388	1.3
France	1,204	1.5	860	1.7	344	1.2
Mexico	1,011	1.3	662	1.3	349	1.2
Brazil	861	1.1	640	1.2	221	0.7
South Africa	838	1.0	490	1.0	348	1.2
Colombia	769	1.0	631	1.2	138	0.5
Hong Kong	738	0.9	448	0.9	290	1.0
Malaysia	722	0.9	520	1.0	202	0.7
Australia	644	0.8	426	0.8	218	0.7
Indonesia	635	0.8	484	0.9	151	0.5
Other countries	13,386	16.6	9,345	18.2	4,041	13.7
Unknown country	476	-----	325	-----	151	-----

Note: Approximately 0.6% of total petitions have an unknown country of birth. Percents shown in the table are based on the total number of petitions with known countries of birth.

## Occupation

### **- Major Occupation Group**

The occupation code is provided by the petitioning employer on the Labor Condition Application (LCA). Computer-related occupations accounted for nearly 54% of the total H-1B petitions. The percentage of computer-related occupations differed by cap/non-cap status: nearly 50% of the cap petitions were computer-related compared to nearly 60% of the non-cap petitions. Occupations in Medicine and Health were the only other group with a higher

percentage among the non-cap than cap petitions. The second most frequent occupation group is Architecture, Engineering, and Surveying (including computer and systems engineers), which accounted for more than 13% of the total H-1B petitions. The third highest group is Administrative Specialization occupations at more than 8% of the total. This group includes occupations such as accountants and management systems analysts.

**Table 2. H-1B Petitions Approved by Major Occupation Group and Cap/Non-Cap Status: October 1999 to February 2000**

<i>Occupation LCA Code (2-digits)</i>	<b>Total</b>	<b>Percent</b>	<b>Cap</b>	<b>Percent</b>	<b>Non-Cap</b>	<b>Percent</b>
Total	81,262	-----	51,574	-----	29,688	-----
Known Occupations	79,548	100.0	50,369	100.0	29,179	100.0
Computer-related Occupations (03)	42,563	53.5	25,106	49.8	17,457	59.8
Occupations in Architecture, Engineering, and Surveying (00/01)	10,385	13.1	6,710	13.3	3,675	12.6
Occupations in Administrative Specializations (16)	6,619	8.3	4,845	9.6	1,774	6.1
Occupations in Education (09)	4,419	5.6	3,133	6.2	1,286	4.4
Occupations in Medicine and Health (07)	3,246	4.1	1,887	3.7	1,359	4.7
Managers and Officials, N.E.C. (18)	2,530	3.2	1,758	3.5	772	2.6
Occupations in Social Sciences (05)	1,963	2.5	1,391	2.8	572	2.0
Occupations in Life Sciences (04)	1,843	2.3	1,263	2.5	580	2.0
Miscellaneous Professional, Technical, and Managerial (19)	1,659	2.1	1,178	2.3	481	1.6
Occupations in Mathematics and Physical Sciences (02)	1,453	1.8	1,000	2.0	453	1.6
Occupations in Art (14)	1,066	1.3	745	1.5	321	1.1
Occupations in Writing (13)	548	0.7	411	0.8	137	0.5
Occupations in Law and Jurisprudence (11)	428	0.5	328	0.7	100	0.3
Fashion Models (297)	344	0.4	300	0.6	44	0.2
Occupations in Entertainment and Recreation (15)	293	0.4	195	0.4	98	0.3
Occupations in Museum, Library, and Archival Sciences (10)	146	0.2	92	0.2	54	0.2
Occupations in Religion and Theology (12)	43	0.1	27	0.1	16	0.1
Unknown Occupations	1,714	-----	1,205	-----	509	-----

Note: Approximately 2.1% of total petitions have an unknown occupation. Percents shown in the table are based on the total number of petitions with known occupations. N.E.C. indicates Not Elsewhere Classified.

### **- Detailed Occupation**

Table 3 lists the specific 3-digit LCA occupations with more than 500 approved petitions during the first 5 months of Fiscal Year 2000. More than 47% of the approved H-1B petitions are for aliens working as Systems Analysts or Programmers. This occupation comprises nearly 89% of the persons within the computer-related field. The next leading group is Electrical/Electronics Engineering occupations, which accounts for more than 5% of the approved H-1B petitions.

**Table 3. H-1B Petitions Approved by Detailed Occupation and Cap/Non-Cap Status: October 1999 to February 2000**

<i>Occupation LCA Code (3-digits)</i>	<b>Total</b>	<b>Percent</b>	<b>Cap</b>	<b>Percent</b>	<b>Non-Cap</b>	<b>Percent</b>
Total	81,262	-----	51,574	-----	29,688	-----
Known Occupations	79,548	100.0	50,369	100.0	29,179	100.0
Occupations in Systems Analysis and Programming (030)	37,686	47.4	22,204	44.1	15,482	53.1
Electrical/Electronics Engineering Occupations (003)	4,256	5.4	2,747	5.5	1,509	5.2
Occupations in College and University Education (090)	3,222	4.1	2,298	4.6	924	3.2
Computer-Related Occupations, N.E.C. (039)	3,127	3.9	1,804	3.6	1,323	4.5
Accountants, Auditors, and Related Occupations (160)	2,974	3.7	2,168	4.3	806	2.8
Occupations in Architecture, Engineering, and Surveying, N.E.C. (019)	1,995	2.5	1,141	2.3	854	2.9
Occupations in Economics (050)	1,849	2.3	1,302	2.6	547	1.9
Misc. Professional, Technical, and Managerial Occupations, N.E.C. (199)	1,531	1.9	1,088	2.2	443	1.5
Mechanical Engineering Occupations (007)	1,477	1.9	954	1.9	523	1.8
Occupations in Biological Sciences (041)	1,409	1.8	961	1.9	448	1.5
Physicians and Surgeons (070)	1,155	1.5	709	1.4	446	1.5
Occupations in Administrative Specializations, N.E.C. (169)	971	1.2	735	1.5	236	0.8
Budget and Management Systems Analysis Occupations (161)	923	1.2	702	1.4	221	0.8
Occupations in Medicine and Health, N.E.C. (079)	851	1.1	612	1.2	239	0.8
Occupations in Computer Systems Technical Support (033)	829	1.0	498	1.0	331	1.1
Service industry Managers and Officials (187)	805	1.0	565	1.1	240	0.8
Architectural Occupations (001)	766	1.0	575	1.1	191	0.7
Sales and Distribution Management Occupations (163)	745	0.9	520	1.0	225	0.8
Industrial Engineering Occupations (012)	689	0.9	457	0.9	232	0.8
Commercial Artists: Designers and Illustrators, Graphic Arts (141)	649	0.8	446	0.9	203	0.7
Occupations in Data Communications and Networks (031)	638	0.8	424	0.8	214	0.7
Therapists (076)	629	0.8	158	0.3	471	1.6
Occupations in Chemistry (022)	619	0.8	429	0.9	190	0.7
Finance, insurance, and Real Estate Managers and Officials (186)	519	0.7	366	0.7	153	0.5
Miscellaneous Managers and Officials, N.E.C. (189)	509	0.6	348	0.7	161	0.6
Occupations in Preschool, Primary School, and Kindergarten Education (092)	502	0.6	341	0.7	161	0.6
Other Occupations	8,223	10.3	5,817	11.5	2,406	8.2
Unknown Occupations	1,714	-----	1,205	-----	509	-----

Note: Approximately 2.1% of total petitions have an unknown occupation. Percents shown in the table are based on the total number of petitions with known occupations. N.E.C. indicates Not Elsewhere Classified.

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## **Annual Wage**

The median prospective annual wage reported by employers for all H-1B workers was \$50,000; half of the workers were expected to earn between \$40,000 and \$65,000 (see table 5). The median wage ranges from a low of \$31,100 for occupations in Religion and Theology to a high of \$130,000 for Fashion Models. The highest annual wages among the leading occupations ranged from \$33,500 for occupations in Education to \$55,000 for occupations in Architecture, Engineering, and Surveying.

The non-cap petitions (extensions to previous employment) reported higher prospective wages than cap petitions (new employment). The median annual wage for non-cap petitions was \$60,000 compared to \$47,000 for cap petitions.

## **Highest Degree Earned**

The reporting of a U.S. or foreign degree is not required in a standard format on any of the INS or DOL forms, but is almost always provided by the petitioning employer in supporting documentation. In cases where the degree was earned outside of the United States, the employer usually provides a credential evaluation stating that the foreign degree is “equivalent to” a particular U.S. degree. INS does not maintain separate data on whether the degree was earned in the United States or abroad.

Approximately 56% of the all H-1B workers were reported to have earned the equivalent of a Bachelor’s Degree; about 31% earned a Master’s Degree; around 8% earned a Doctorate Degree; and more than 2% earned a Professional Degree. Altogether more than 41% earned a Master’s Degree or higher. The distributions of degrees do not vary significantly by cap/non-cap status.

**Table 4. H-1B Petitions Approved by Highest Degree Earned and Cap/Non-Cap Status: October 1999 to February 2000**

<i>Highest Degree Earned</i>	<b>Total</b>	<b>Percent</b>	<b>Cap</b>	<b>Percent</b>	<b>Non-Cap</b>	<b>Percent</b>
Total	81,262	-----	51,574	-----	29,688	-----
Known Degree	74,205	100.0	47,663	100.0	26,542	100.0
No Diploma	357	0.5	290	0.6	67	0.3
High School Graduate	134	0.2	92	0.2	42	0.2
Less than 1 year of College Credit	82	0.1	49	0.1	33	0.1
1 or more years of College Credit, no Diploma	671	0.9	469	1.0	202	0.8
Associate’s Degree	357	0.5	247	0.5	110	0.4
Bachelor’s Degree	41,849	56.4	26,632	55.9	15,217	57.3
Master’s Degree	22,974	31.0	14,574	30.6	8,400	31.6
Doctorate Degree	6,035	8.1	4,118	8.6	1,917	7.2
Professional Degree	1,746	2.4	1,192	2.5	554	2.1
Unknown Degree	7,057	-----	3,911	-----	3,146	-----

Note: Approximately 8.7% of total petitions have an unknown degree. Percents shown in the table are based on the total number of petitions with known degrees.

**Table 5. H-1B Petitions Approved by Major Occupation Group, Annual Wage, and Cap/Non-Cap Status: October 1999 to February 2000**

<i>Occupation LCA Code (2-digits)</i>	Total Petitions				Cap Petitions				Non-Cap Petitions			
	Total Reported	25 <sup>th</sup> percentile	Median	75 <sup>th</sup> percentile	Total Reported	25 <sup>th</sup> percentile	Median	75 <sup>th</sup> percentile	Total Reported	25 <sup>th</sup> percentile	Median	75 <sup>th</sup> percentile
Occupations with Annual Wages	74,202	\$40,000	\$50,000	\$65,000	47,638	\$38,000	\$47,000	\$59,000	26,564	\$45,600	\$60,000	\$73,000
Fashion Models (297)	304	\$100,000	\$130,000	\$221,000	265	\$100,000	\$130,000	\$221,000	39	\$100,000	\$136,500	\$520,000
Occupations in Law and Jurisprudence (11)	394	\$40,000	\$80,500	\$101,000	303	\$38,750	\$78,000	\$100,000	91	\$43,784	\$92,000	\$109,000
Occupations in Architecture, Engineering, and Surveying (00/01)	9,475	\$42,240	\$55,000	\$68,500	6,200	\$40,000	\$50,000	\$63,000	3,275	\$50,000	\$63,000	\$75,000
Computer-related Occupations (03)	39,214	\$45,000	\$53,000	\$65,000	23,417	\$44,000	\$50,000	\$58,000	15,797	\$51,000	\$62,000	\$74,000
Managers and Officials N.E.C. (18)	2,375	\$35,000	\$52,000	\$85,000	1,650	\$33,000	\$48,000	\$80,000	725	\$40,500	\$65,000	\$94,800
Occupations in Mathematics and Physical Sciences (02)	1,330	\$36,000	\$47,834	\$64,000	928	\$35,000	\$45,118	\$60,041	402	\$39,000	\$52,000	\$68,000
Miscellaneous Professional, Technical, and Managerial (19)	1,564	\$33,290	\$46,473	\$75,000	1,112	\$32,000	\$43,000	\$70,156	452	\$36,400	\$55,200	\$80,000
Occupations in Medicine and Health (07)	2,825	\$33,526	\$45,760	\$88,763	1,670	\$31,200	\$42,283	\$90,000	1,155	\$37,440	\$49,200	\$83,457
Occupations in Administrative Specializations (16)	6,151	\$31,000	\$40,000	\$58,000	4,504	\$30,000	\$38,000	\$53,000	1,647	\$35,000	\$46,738	\$66,000
Occupations in Social Sciences (05)	1,682	\$32,640	\$40,000	\$58,000	1,234	\$32,400	\$40,000	\$53,604	448	\$34,000	\$45,000	\$65,000
Occupations in Museum, Library, and Archival Sciences (10)	121	\$28,000	\$36,000	\$45,000	78	\$28,000	\$36,000	\$45,000	43	\$26,426	\$36,545	\$56,971
Occupations in Art (14)	1,008	\$29,000	\$35,961	\$50,000	704	\$28,000	\$33,704	\$45,000	304	\$33,900	\$45,000	\$62,700
Occupations in Life Sciences (04)	1,660	\$29,000	\$34,700	\$46,000	1,152	\$28,000	\$33,470	\$43,600	508	\$31,184	\$37,500	\$50,000
Occupations in Education (09)	3,998	\$27,500	\$33,500	\$43,620	2,856	\$27,000	\$33,000	\$43,006	1,142	\$29,463	\$35,000	\$44,755
Occupations in Writing (13)	504	\$27,045	\$33,000	\$45,000	382	\$25,885	\$32,434	\$45,000	122	\$29,146	\$36,000	\$46,000
Occupations in Entertainment and Recreation (15)	246	\$24,000	\$31,200	\$48,000	168	\$22,250	\$30,000	\$45,000	78	\$26,500	\$38,000	\$54,000
Occupations in Religion and Theology (12)	30	\$25,000	\$31,100	\$41,000	18	\$27,000	\$31,600	\$40,000	12	\$21,802	\$28,000	\$45,250
Unknown Occupations	1,321	\$36,000	\$44,000	\$62,358	997	\$35,000	\$42,000	\$60,000	324	\$40,000	\$51,500	\$75,000

Note: Approximately 8.7% of the petitions do not have annual wage information and have been excluded from the table. N.E.C. indicates Not Elsewhere Classified.

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## **Appendix: H-1B Application Procedures and Data Collection**

### **H-1B Processing**

Petitions for obtaining H-1B nonimmigrant status for alien workers are submitted by their prospective employers on INS form I-129 (Petition for a Nonimmigrant Worker). The petitions are mailed to one of four INS Service Centers depending on the location of the employer. The centers are located in St Albans, VT; Lincoln, NE; Dallas, TX; and Laguna Nigel, CA.

Approved petitions submitted by the employer (petitioner) allow the employee (beneficiary) to work in the United States up to 3 years initially. Employment can be extended for another 3 years for an overall total of 6 years. Only one worker is named on each petition; however, a particular worker may be petitioned for by more than one company.

Selected information from the I-129 is entered into the Computer Linked Application information Management Systems (CLAIMS3) case tracking system. Adjudicators in the Service Centers decide whether to approve or deny the petition and enter the decision into CLAIMS3. Each Service Center operates its own Local Area Network (LAN) and uploads information to a national mainframe version of CLAIMS3 daily.

The I-129 petition and other supporting documentation such as the Labor Condition Application (LCA) (ETA Form 9035) are placed in a file identified by receipt number. The physical files are forwarded for storage to the INS records center in Harrisonburg, VA, approximately 90 days after adjudication.

### **Data Collection**

Adjudicators use an internal worksheet to assemble and enter information on 1) highest degree earned, 2) annual rate of pay, and 3) LCA occupation code into CLAIMS3 at the time of adjudication. The reporting of a U.S. or foreign degree is not required in a standard format on any of the INS or DOL forms, but is almost always provided by the petitioning employer in supporting documentation. The annual rate of pay is provided on INS Form I-129, Petition for a Nonimmigrant Worker, and the LCA occupation is provided on ETA Form 9035, Labor Condition Application (LCA). Data entry personnel enter the country of birth into CLAIMS3 at the time of receipt.

The percentage of petitions with unknown information was relatively high for both degree earned (8.7%) and annual wages (8.7%). Missing information on these two variables are highly correlated with each other. The percentage of petitions with missing information for the remaining variables is 0.6% for country of birth and 2.1% for occupation. The percentage of petitions with information missing on at least one variable is 10.7% overall.

All H-1B petitions filed on or after March 30, 2000 must be accompanied by Form I-129W. This new form requires the petitioners to supply information on the H-1B position, the industry of the petitioning employer and the named H-1B worker's highest level of education, compensation, and country of origin. This information will be entered into CLAIMS3 and will be used to meet the reporting requirements specified in ACWIA for Fiscal Year 2000.