



# Report on H-1B Petitions

Fiscal Year 2022 Annual Report to Congress  
October 1, 2021 – September 30, 2022

*February 22, 2023*



Homeland  
Security

*U.S. Citizenship and  
Immigration Services*



**Homeland  
Security**

## Foreword

February 22, 2023

On behalf of the Department of Homeland Security, I am pleased to present the following “Report on H-1B Petitions” for Fiscal Year 2022, prepared by U.S. Citizenship and Immigration Services.

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

The Honorable Richard Durbin  
Chairman, Senate Committee on the Judiciary

The Honorable Lindsey Graham  
Ranking Member, Senate Committee on the Judiciary

The Honorable Jim Jordan  
Chairman, House Committee on the Judiciary

The Honorable Jerrold Nadler  
Ranking Member, House Committee on the Judiciary

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

Sincerely,

A handwritten signature in cursive script that reads "Bryn McDonough". The signature is written in black ink on a white background.

Bryn McDonough  
Acting Assistant Secretary for Legislative Affairs

# Executive Summary

The *American Competitiveness and Workforce Improvement Act of 1998* (ACWIA), Pub. L. No. 105-277, div. C, tit. IV, § 416(c), 112 Stat. 2681, imposes quarterly reporting requirements on U.S. Citizenship and Immigration Services (USCIS) concerning the H-1B petition fees and fee exemptions.<sup>1</sup>

To fulfill this requirement, USCIS submits the following report to cover the four quarters of Fiscal Year (FY) 2022, October 1, 2021 – September 30, 2022. The report provides information on:

- the number of H-1B petitions;
- the number of employers requiring an additional ACWIA petition fee as reinstated by the *H-1B Visa Reform Act of 2004*, and those exempt from the nonimmigrant H-1B ACWIA petition fee; and
- the number of noncitizens issued visas or otherwise provided H-1B nonimmigrant status pursuant to petitions filed by institutions or organizations described in section 212(p)(1) of the *Immigration and Nationality Act* (INA).<sup>2</sup>

In addition to the above, this report also provides information on the number of employers required to submit the Fraud Prevention and Detection Fee.

In all parts of this report, quarterly and annual data for FY 2022 are presented.

The data contained in this report were extracted by the USCIS Office of Performance and Quality in November 2022.

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<sup>1</sup> Section 416(c)(2) of ACWIA imposes annual reporting requirements on USCIS concerning information on the countries of origin and occupations of, educational levels attained by, and compensation paid to, noncitizens who were issued H-1B visas or otherwise granted H-1B nonimmigrant status. This information is contained in the USCIS FY 2022 report to Congress, *Characteristics of H-1B Specialty Occupation Workers*.

<sup>2</sup> Information is also included in this report on those noncitizens in the United States who are granted a change of status to, or extension of stay in, the H-1B1 nonimmigrant classification under the United States-Chile or United States-Singapore Free Trade Agreements. This report does not include information on those noncitizens who are granted an H-1B1 nonimmigrant visa abroad as an employer is not required to file a petition with USCIS for those noncitizens.



# Report on H-1B Petitions

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# I. Legislative Requirement

Section 416(c)(1) of the *American Competitiveness and Workforce Improvement Act of 1998* (ACWIA), Pub. L. No. 105-277, div. C, tit. IV, § 416(c)(1), 112 Stat. 2681, includes the following requirement:

[T]he Attorney General<sup>3</sup> shall notify, on a quarterly basis, the Committees on the Judiciary of the U.S. House of Representatives and the Senate of the numbers of 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 preceding 3-month period.

Furthermore, section 416(c)(3) of ACWIA requires each report to “include the number of aliens who were issued visas or otherwise provided nonimmigrant status pursuant to petitions filed by institutions or organizations described in section 212(p)(1) of the Immigration and Nationality Act.”

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<sup>3</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

The *Immigration Act of 1990* established numerical limitations on the H-1B nonimmigrant classification<sup>4</sup> to provide U.S. employers<sup>5</sup> access to foreign skilled workers while ensuring worker protections. The numerical cap of 65,000 H-1B visas was reached for the first time in Fiscal Year (FY) 1997 and again in FY 1998, as demand increased significantly in the technology sector.

In October 1998, the 105<sup>th</sup> Congress enacted the *American Competitiveness and Workforce Improvement Act of 1998* (ACWIA), Pub. L. No. 105277, div. C, tit. IV, 112 Stat. 2681. ACWIA temporarily increased the H-1B cap to 115,000 for FY 1999 and FY 2000 and to 107,500 for FY 2001, while establishing an affirmative role for U.S. employers to assist with education and training efforts. Under ACWIA, an H-1B Nonimmigrant Petitioner Fee account was established to fund training and education programs administered by the Department of Labor and the National Science Foundation. Unless explicitly exempt under the law, employers were required to pay a \$500 ACWIA fee for each H-1B worker sponsored. Employers who qualified as an institution or organization described in section 212(p)(1) of the *Immigration and Nationality Act* (INA) were exempted from payment of this fee. ACWIA imposed quarterly and annual reporting requirements on U.S. Citizenship and Immigration Services (USCIS) concerning the H-1B fee, fee exemption, and demographic H-1B worker data. The ACWIA fee of \$500 was initially scheduled to sunset on October 1, 2001.

The 106<sup>th</sup> Congress passed two bills that affected the H-1B program:

- A bill enacted as the untitled Public Law 106-311, 114 Stat. 1247 (Oct. 17, 2000); and
- The *American Competitiveness in the Twenty-First Century Act of 2000* (AC21), Pub. L. No. 106-313, 114 Stat. 1251 (Oct. 17, 2000).

First, pursuant to Public Law 106311, Congress raised the ACWIA fee from \$500 to \$1,000 while exempting additional types of employers beyond those described in INA § 212(p)(1) from payment of this fee and extending the applicability of the fee provision to qualifying petitions filed by employers through September 30, 2003. Second, AC21 temporarily raised the H-1B cap to 195,000 for Fiscal Years 2001, 2002, and 2003, while exempting certain H-1B workers from the numerical limits. Starting in FY 2004, the H-1B cap was reduced back to 65,000 per fiscal year. On December 8, 2004, the 108<sup>th</sup> Congress passed the *Omnibus Appropriations Act for FY 2005*, which contained the *H-1B Visa Reform Act of 2004*, and made several changes to the H-1B program. See Pub. L. No. 108-447, div. J, tit. IV, 118 Stat. 2809. The *H-1B Visa Reform Act of 2004* permanently reinstated the ACWIA fee which sunset on October 1, 2003 and raised

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<sup>4</sup> The H-1B nonimmigrant classification is defined as “an alien ... who is coming temporarily to the United States to perform services ... in a specialty occupation described in section [214(i)(1)] or as a fashion model, who meets the requirements for the occupation specified in section [214(i)(2)] or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the [Secretary of Homeland Security] that the intending employer has filed with the Secretary [of Labor] an application under section [212(n)(1)].” INA § 101(a)(15)(H)(i)(b). The H-1B1 classification is defined as a noncitizen “who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section [214(g)(8)(A)], who is engaged in a specialty occupation described in section [214(i)(3)], and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section [212(t)(1)].” *Id.* § 101(a)(15)(H)(i)(b1).

<sup>5</sup> Agents, in addition to employers, may file an H-1B petition pursuant to 8 CFR 214.2(h)(2)(i)(F). All references to employers and any applicable fees discussed throughout this report also include agents.

it from \$1,000 to \$1,500 per qualifying petition. In addition, the *H-1B Visa Reform Act of 2004* lowered the fee to \$750 for employers with more than 25 full-time equivalent employees in the United States (including the number of employees employed by any affiliate or subsidiary of such employer) but did not alter the exemptions of certain types of employers from payment of the fee altogether.<sup>6</sup> This fee applies to any initial H-1B petition filed on behalf of a noncitizen by any employer or first extension request by the same employer for a noncitizen filed after December 8, 2004, unless the petitioning organization is exempt from the fee.

The *H-1B Visa Reform Act of 2004* also instituted a new Fraud Prevention and Detection Fee (Fraud Fee) of \$500 that must be submitted with a petition seeking an initial grant of H-1B or L nonimmigrant classification<sup>7</sup> or by an employer seeking to change a noncitizen's employer within those classifications. The Fraud Fee does not apply to petitions filed with USCIS that extend or amend a noncitizen's stay in H-1B or L classification filed by a current employer, or for any petitions filed with the H-1B1 classification. Finally, the *H-1B Visa Reform Act of 2004* provided that up to 20,000 petitions filed on behalf of noncitizens who had earned a master's degree or higher from a U.S. institution of higher education (as defined by 20 U.S.C. § 1001(a)) would be exempt from the numerical cap.

On August 9, 2017, USCIS issued the policy memorandum, "Definition of 'Affiliate' or 'Subsidiary' for Purposes of Determining the H-1B ACWIA Fee." The intent of this memorandum is to have consistency in collecting the ACWIA fee under the statutory definitions of "affiliate" and "subsidiary," thereby ensuring that USCIS collects the higher fee where possible under the law and maximizes receipt of funds for the training of U.S. workers.

In FY 2019, USCIS issued final rules establishing a registration system requiring prospective petitioners seeking to file H-1B cap-subject petitions, including those potentially eligible for the advanced degree exemption, to first electronically register with USCIS during a designated registration period and pay the associated (\$10) H-1B registration fee for each beneficiary.<sup>8</sup> By regulation, only those prospective petitioners whose registrations are selected will be eligible to file an H-1B cap-subject petition. The electronic registration system is designed to streamline the H-1B cap selection process by reducing paperwork and data exchange and provide an overall time and cost savings to the public.

In FY 2022, the initial H-1B cap petition registration period began on March 1, 2022. Starting on that date, USCIS required prospective petitioners seeking to file H-1B cap-subject petitions, including those for beneficiaries eligible for the advanced degree exemption, to first register electronically with USCIS and pay the associated (\$10) registration fee. Only if the registration were selected could a registrant be eligible to properly file an H-1B cap-subject petition for the FY 2023 H-1B numerical allocations. USCIS closed the initial registration period on March 18, 2022. After the initial registration period closed, USCIS conducted a selection process, and petitioners with selected registrations were notified of their eligibility to file an H-1B cap-subject petition. Prospective petitioners with selected registrations were eligible to file an FY 2023 H-

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<sup>6</sup> See Section 3.2 of this report for further information about organizations that are exempt from the ACWIA fee.

<sup>7</sup> The L nonimmigrant classification is defined in section 101(a)(15)(L) of the INA as "subject to section 214(c)(2), an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge ...." Other than being another classification subject to this fee, the L classification has no bearing on the information presented in this report.

<sup>8</sup> See 8 CFR 214.2(h)(8)(iii).

1B cap-subject petition beginning on April 1, 2022. On August 23, 2022, USCIS announced that it had reached the FY 2023 H-1B cap.

This report covers the four quarters of FY 2022, and is presented in three parts:

- Section 3.1 provides information on the number of H-1B petitions;
- Section 3.2 provides information on the number of employers requiring an additional ACWIA petition fee as reinstated by the *H-1B Visa Reform Act of 2004* and those exempt from the nonimmigrant H-1B ACWIA petition fee; and
- Section 3.3 provides information on the number of employers required to submit the Fraud Fee.

In all parts of this report, quarterly and annual data for FY 2022 are presented.



### III. Data Report<sup>9</sup>

#### Section 3.1 – Number of H-1B Petitions Filed by Employers in Fiscal Year 2022 and the Number of H-1B Petitions Approved by USCIS During this Period

Pursuant to section 214(c) of the INA, a U.S. employer using the H-1B program is required to file a petition with the Secretary of Homeland Security on behalf of a noncitizen worker (the beneficiary). The petition must be approved before a visa is granted or a noncitizen is provided nonimmigrant status. Accordingly, petition data is the basis of this report.

Table 1 provides information on the number of H-1B petitions filed by employers in FY 2022. This table also provides information on the number of H-1B petitions approved by USCIS during this period. Petitions filed in a particular quarter are not necessarily adjudicated in that same quarter.

A U.S. employer files the petition with USCIS to sponsor a noncitizen worker as an H-1B nonimmigrant. This petition may be filed to sponsor a noncitizen for an initial period of H-1B employment or to extend the authorized stay of a noncitizen as an H-1B nonimmigrant. Generally, more than one employer may file a petition for the same noncitizen worker; however, for H-1B cap purposes such a worker will only be counted once. An employer may file a petition to sponsor a noncitizen who already has H-1B nonimmigrant status working for another employer or to amend a previously approved petition. Therefore, the total number of approved petitions may exceed the actual number of noncitizens provided nonimmigrant status as H-1B.

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<sup>9</sup> Sections 3.1 and 3.2 of this data report include information on those noncitizens in the United States who are granted a change of status to, or extension of stay in, the H-1B1 nonimmigrant classification under the United States-Chile or United States-Singapore Free Trade Agreements. It does not provide information on those noncitizens who are granted an H-1B1 nonimmigrant visa abroad as an employer is not required to file a petition with USCIS for those noncitizens. Section 3.3 does not account for noncitizens in the United States who are granted a change of status to, or extension of stay in, the H-1B1 nonimmigrant classification, however, because the Fraud Prevention and Detection Fee is not required for those seeking H-1B1 nonimmigrant status on behalf of a noncitizen.

**Table 1. Number of H-1B Petitions Filed and Number Approved by Quarter:  
FY 2018-FY 2022**

	<b>Fiscal Year</b>	<b>Oct to Dec</b>	<b>Jan to Mar</b>	<b>Apr to Jun</b>	<b>Jul to Sep</b>	<b>Total</b>
<b>Petitions Filed<sup>10</sup></b>	<b>2018</b>	62,319	69,613	202,218	84,457	<b>418,607</b>
	<b>2019</b>	60,301	67,306	206,678	86,292	<b>420,577</b>
	<b>2020</b>	78,986	79,389	174,316	94,554	<b>427,245</b>
	<b>2021</b>	61,478	77,637	161,628	97,526	<b>398,269</b>
	<b>2022</b>	89,640	94,657	197,731	92,273	<b>474,301</b>
<b>Petitions Approved<sup>11</sup></b>	<b>2018</b>	80,817	72,533	92,672	88,939	<b>334,961</b>
	<b>2019</b>	76,696	80,533	116,310	115,839	<b>389,378</b>
	<b>2020</b>	93,637	91,048	97,355	144,670	<b>426,710</b>
	<b>2021</b>	89,713	80,600	115,143	121,615	<b>407,071</b>
	<b>2022</b>	92,458	106,222	120,183	123,180	<b>442,043</b>

<sup>10</sup> Beginning in FY 2020, only petitions filed during a given fiscal year are counted in the number of petitions filed. This differs from prior year reports which reported data that were current at the time that the database was queried.

<sup>11</sup> These figures represent all approved petitions during the respective fiscal year, irrespective of whether the petition was filed in the same or in a previous fiscal year. To illustrate, in FY 2019, USCIS received 420,577 petitions and approved 389,378 petitions. Of the 389,378 petitions that were approved, 292,158 were received and approved in FY 2019, whereas 97,220 petitions were received prior to FY 2019, but ultimately approved in FY 2019. Beginning in FY 2020, data on case decisions are based on the first adjudicative decision made to approve or deny a petition. Subsequent actions taken on individual cases, such as on an appeal or revocation, are excluded. This method may differ from prior year reports, which identified the approval or denial status of a petition based on the most recent decision made on the petition at the time that the data was generated. This update allows for greater consistency across USCIS data sources including the [H-1B Employer Data Hub](#).

## Section 3.2 – Number of H-1B Petitions Filed by Institutions or Organizations Described in Section 212(p)(1) of the INA

ACWIA added section 214(c)(9)(A) of the INA, 8 U.S.C. § 1184(c)(9)(A), to require that the Attorney General impose a fee on an employer:

- initially filing a petition to grant nonimmigrant status in the H-1B classification;
- extending the H-1B nonimmigrant stay of a noncitizen (unless the employer previously has obtained an extension for such noncitizen); or
- obtaining authorization for a noncitizen in H-1B status to change employers.

The ACWIA provisions exempted certain types of employers described in section 212(p)(1) of the INA, 8 U.S.C. § 1182(p)(1), from the payment of this fee. The fee, effective December 1, 1998, was initially scheduled to sunset on September 30, 2001.

With the passage of Public Law 106-311, the fee was increased from \$500 to \$1,000, effective December 18, 2000, with a sunset on September 30, 2003. Public Law 106-311 also amended section 214(c)(9)(A) of the INA by specifying certain employers that are exempt from the ACWIA fee beyond those employers described under section 212(p)(1) of the INA. The *H-1B Visa Reform Act of 2004*, enacted as part of the *Omnibus Appropriation Act of FY 2005*, reinstated the ACWIA fee, made the fee permanent, and raised it from \$1,000 to \$1,500 per qualifying petition filed with USCIS after December 8, 2004; however, employers with less than 25 full-time equivalent employees who are employed in the United States (including the number of employees employed by any affiliate or subsidiary of such employer) must pay a \$750 ACWIA fee. The *H-1B Visa Reform Act of 2004* again exempted employers described in section 214(c)(9)(A) of the INA from the ACWIA fee. Section 214(c)(9)(A) exempts payment of the ACWIA fee in certain instances, as summarized below.

Due to the passage of Public Law 106-311, this report exceeds the original reporting mandate: It covers all employers exempt from the fee as described in section 214(c)(9)(A), not only those described in section 212(p)(1). Specifically, these exemptions apply to employers that are:

- institutions of higher education defined in section 101(a) of the *Higher Education Act of 1965*, 20 U.S.C. § 1001(a);
- nonprofit organizations related to or affiliated with an institution of higher education as defined in section 101(a) of the *Higher Education Act of 1965*, 20 U.S.C. § 1001(a);
- nonprofit entities engaging in established curriculum-related clinical training of students registered at any institution defined in section 101(a) of the *Higher Education Act of 1965*, 20 U.S.C. § 1001(a);
- nonprofit research organizations and Government research organizations;
- primary or secondary education institutions;
- filing a second or subsequent request for an extension of stay for a particular noncitizen;
- filing an amended petition without a request to extend the nonimmigrant stay of the noncitizen beneficiary; or
- filing a petition solely to correct a USCIS error.

Table 2 shows the number of petitions filed in FY 2022 that required submission of the ACWIA fee as well as those petitions exempt from that fee. Table 3 shows the same information for all petitions approved during the same period regardless of when filed.

**Table 2. Number of H-1B Petitions Filed by Quarter and Reason for ACWIA Fee or Exemption from Fee, FY 2022**

<b>For Fiscal Year 2022</b>	<b>Oct 2021 to Dec 2021</b>	<b>Jan 2022 to Mar 2022</b>	<b>Apr 2022 to Jun 2022</b>	<b>Jul 2022 to Sep 2022</b>	<b>FY 2022</b>
<b>TOTAL PETITIONS FILED <sup>12</sup></b>	<b>89,640</b>	<b>94,657</b>	<b>197,731</b>	<b>92,273</b>	<b>474,301</b>
Without any fee exemptions	60,315	62,915	158,423	54,676	336,329
With at least one exemption	29,325	31,742	39,308	37,597	137,972
<b>SIZE OF EMPLOYERS SUBJECT TO ADDITIONAL FEE</b>					
Employer of no more than 25 full-time equivalent employees	5,656	5,116	29,275	5,020	45,067
Employer of 26 or more full-time equivalent employees	70,730	73,849	147,530	67,183	359,292
Number of full-time equivalent employees unknown <sup>13</sup>	13,254	15,692	20,926	20,070	69,942
<b>REASONS FOR EXEMPTION<sup>14</sup></b>					
Employer is an institution of higher education	4,099	4,805	7,829	6,547	23,280
Employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education	2,401	3,425	5,879	4,416	16,121
Employer is a nonprofit research organization or a government research organization	1,453	1,677	1,980	1,819	6,929
Employer is filing a second (or subsequent) extension of stay for an H-1B nonimmigrant	16,781	18,115	19,997	19,482	74,375
Employer is filing an amended petition without an extension of stay for an H-1B nonimmigrant	6,303	5,935	6,332	7,414	25,984
Employer is filing a petition in order to correct a USCIS error	11	12	12	14	49
Employer is a primary or secondary education institution	511	678	1,334	1,335	3,858
Employer is a nonprofit entity engaged in clinical training	1,757	2,317	3,696	2,628	10,398

<sup>12</sup> The total in the “Total Petitions Filed” row is a sum of the “Without any fee exemptions” and “With at least one exemption” rows.

<sup>13</sup> Unknown values may have occurred as a result of data entry errors or improper electronic transfer from a USCIS Service Center electronic data file.

<sup>14</sup> A petition may be counted in multiple rows if the employer indicates that the petition is exempt from the fee for multiple reasons.

**Table 3. Number of H-1B Petitions Approved by Quarter and Reason of Exemption from ACWIA Fee: FY 2022**

<b>For Fiscal Year 2022</b>	<b>Oct 2021 to Dec 2021</b>	<b>Jan 2022 to Mar 2022</b>	<b>Apr 2022 to Jun 2022</b>	<b>Jul 2022 to Sep 2022</b>	<b>FY 2022</b>
<b>TOTAL PETITIONS APPROVED<sup>15</sup></b>	<b>92,458</b>	<b>106,222</b>	<b>120,183</b>	<b>123,180</b>	<b>442,043</b>
Without any fee exemptions	65,193	68,308	84,323	94,285	<b>312,109</b>
With at least one exemption	27,265	37,914	35,860	28,895	<b>129,934</b>
<b>SIZE OF EMPLOYERS SUBJECT TO ADDITIONAL FEE</b>					
Employer of no more than 25 full-time equivalent employees	7,245	6,885	6,216	13,868	<b>34,214</b>
Employer of 26 or more full-time equivalent employees	72,427	81,562	93,202	92,339	<b>339,530</b>
Number of full-time equivalent employees unknown <sup>16</sup>	12,786	17,775	20,765	16,973	<b>68,299</b>
<b>REASONS FOR EXEMPTION<sup>17</sup></b>					
Employer is an institution of higher education	3,685	5,657	7,658	6,709	<b>23,709</b>
Employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education	2,432	3,189	5,747	4,786	<b>16,154</b>
Employer is a nonprofit research organization or a government research organization	1,339	1,731	2,046	1,809	<b>6,925</b>
Employer is filing a second (or subsequent) extension of stay for an H-1B nonimmigrant	16,277	21,679	18,376	14,246	<b>70,578</b>
Employer is filing an amended petition without an extension of stay for an H- 1B nonimmigrant	5,074	7,994	5,014	3,373	<b>21,455</b>
Employer is filing a petition in order to correct a USCIS error	12	16	8	13	<b>49</b>
Employer is a primary or secondary education institution	561	662	1,193	1,331	<b>3,747</b>
Employer is a nonprofit entity engaged in clinical training	1,759	2,445	3,694	2,843	<b>10,741</b>

<sup>15</sup> The total in the “Total Petitions Approved” row is a sum of the “Without any fee exemptions” and “With at least one exemption” rows.

<sup>16</sup> Unknown values may have occurred as a result of data entry errors or improper electronic transfer from a USCIS Service Center electronic data file.

<sup>17</sup> A petition may be counted in multiple rows if the employer indicates that the petition is exempt from the fee for multiple reasons.

## Section 3.3 – Fraud Prevention and Detection Fee Pursuant to the H-1B Visa Reform Act of 2004

The *H-1B Visa Reform Act of 2004* imposed an additional fee of \$500 (“Fraud Prevention and Detection Fee” or “Fraud Fee”) for certain H-1B or L petitions. A U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit this additional \$500 fee. H-1B1 visas are exempt from this fee.

Table 4 shows the number of H-1B petitions filed in FY 2022 that required submission of the Fraud Prevention and Detection Fee. Table 5 shows the same information for all petitions approved during the same period regardless of when filed.

**Table 4. Number of H-1B Petitions Filed Requiring Fraud Prevention and Detection Fee: FY 2022**

For Fiscal Year 2022	Oct 2021 to Dec 2021	Jan 2022 to Mar 2022	Apr 2022 to Jun 2022	Jul 2022 to Sep 2022	FY 2022
<b>TOTAL PETITIONS FILED WITH FEE</b>	49,157	45,539	140,256	40,675	275,627
<b>REASONS FOR FRAUD FEE</b>					
New employment (including new employer filing H-1B extension)	31,466	30,559	34,206	29,169	125,400
New concurrent employment	448	469	524	600	2,041
Change of employer	17,243	14,511	105,526	10,906	148,186

**Table 5. Number of H-1B Petitions Approved Requiring Fraud Prevention and Detection Fee: FY 2022**

For Fiscal Year 2022	Oct 2021 to Dec 2021	Jan 2022 to Mar 2022	Apr 2022 to Jun 2022	Jul 2022 to Sep 2022	FY 2022
<b>TOTAL PETITIONS APPROVED WITH FEE</b>	53,233	49,726	68,914	84,286	256,159
<b>REASONS FOR FRAUD FEE</b>					
New employment	30,443	31,753	32,852	28,783	123,831
New concurrent employment	349	588	469	346	1,752
Change of employer	22,441	17,385	35,593	55,157	130,576