



# Fiscal Year 2023: H-1B Petitions

Annual Report to Congress

October 1, 2022 - September 30, 2023

*February 7, 2024*



Homeland  
Security

*U.S. Citizenship and  
Immigration Services*



**Homeland  
Security**

## Message from the Assistant Secretary

February 7, 2024

I am pleased to present the following report, “Fiscal Year 2023: H-1B Petitions,” prepared by U.S. Citizenship and Immigration Services.

Pursuant to statutory requirements, this report is being 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.

Respectfully,

A handwritten signature in black ink, appearing to read "Zephra Buetow".

Zephra Buetow  
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) 2023, October 1, 2022 – September 30, 2023. 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 2023 are presented.

The data contained in this report were extracted by the USCIS Office of Performance and Quality in November 2023.

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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 2023 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 issued 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 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. 105-277, 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. Employers, unless explicitly exempt under the law, 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, or end, 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 106-311, 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 had sunset on October 1, 2003, and raised 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 who have no more than 25 full-time equivalent employees

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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.

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 that may be 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 2023, the initial H-1B cap petition registration period began on March 1, 2023. 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 was selected could a registrant be eligible to properly file an H-1B cap-subject petition for the FY 2024 H-1B numerical allocations. USCIS closed the initial registration period on March 20, 2023. On March 27, 2023, USCIS announced it had received enough electronic registrations during the initial registration period to reach the FY 2024 H-1B numerical allocations (H-1B cap), including the advanced degree exemption also known as the master's cap. Prospective petitioners with selected registrations were eligible to file a FY 2023 H-1B cap petition beginning on April 1, 2023.

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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).

USCIS subsequently announced its intention to select additional registrations to reach the FY 2024 numerical allocations. As of July 31, 2023, USCIS had randomly selected, from the remaining FY 2024 registrations properly submitted, a sufficient number of registrations projected to reach the cap.

This report covers the four quarters of FY 2023 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 2023 are presented.



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

#### Section 3.1 –Number of H-1B Petitions Filed by Employers and Number of H-1B Petitions Approved by USCIS

Table 1 provides information on the number of H-1B petitions filed by employers in FY 2023 and previous fiscal years. 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.

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 issued or a noncitizen is provided nonimmigrant status. Accordingly, petition data is the basis of this report.

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 status as an H-1B nonimmigrant 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 who are 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 issued 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 petitions seeking H-1B1 nonimmigrant status on behalf of a noncitizen.

**Table 1. Number of H-1B Petitions Filed and Number Approved by Quarter, FY 2019-FY 2023**

<b>For Fiscal Years 2019-2023</b>	<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>	2019	60,301	67,306	206,678	86,292	<b>420,577</b>
	2020	78,986	79,389	174,316	94,554	<b>427,245</b>
	2021	61,478	77,637	161,628	97,526	<b>398,269</b>
	2022	89,640	94,657	197,731	92,273	<b>474,301</b>
	2023	68,885	72,194	151,149	94,356	<b>386,584</b>
<b>Petitions Approved<sup>11</sup></b>	2019	76,696	80,533	116,310	115,839	<b>389,378</b>
	2020	93,637	91,048	97,355	144,670	<b>426,710</b>
	2021	89,713	80,600	115,143	121,615	<b>407,071</b>
	2022	92,458	106,222	120,183	123,180	<b>442,043</b>
	2023	99,805	77,555	96,886	112,094	<b>386,340</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 Nonexempt and Exempt from ACWIA Fee

Table 2 shows the number of petitions that were filed in FY 2023 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.

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 who have no more 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. Number of H-1B Petitions Filed by Quarter and Reason for ACWIA Fee or Exemption from Fee, FY 2023**

For Fiscal Year 2023	Oct 2022 to Dec 2022	Jan 2023 to Mar 2023	Apr 2023 to Jun 2023	Jul 2023 to Sep 2023	FY 2023
<b>TOTAL PETITIONS FILED <sup>12</sup></b>	<b>68,885</b>	<b>72,194</b>	<b>151,149</b>	<b>94,356</b>	<b>386,584</b>
Without any fee exemptions	38,946	38,864	108,580	58,105	<b>244,495</b>
With at least one exemption	29,939	33,330	42,569	36,251	<b>142,089</b>
<b>SIZE OF EMPLOYERS SUBJECT TO ADDITIONAL FEE</b>					
Employer of no more than 25 full-time equivalent employees	3,584	3,940	23,180	8,120	<b>38,824</b>
Employer of 26 or more full-time equivalent employees	65,301	68,250	127,969	86,236	<b>347,756</b>
Number of full-time equivalent employees unknown <sup>13</sup>	0	4	0	0	<b>4</b>
<b>REASONS FOR EXEMPTION <sup>14</sup></b>					
Employer is an institution of higher education	4,286	4,996	8,109	6,267	<b>23,658</b>
Employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education	2,825	3,945	6,698	4,846	<b>18,314</b>
Employer is a nonprofit research organization or a government research organization	1,478	1,677	1,923	1,678	<b>6,756</b>
Employer is filing a second (or subsequent) extension of stay for an H-1B nonimmigrant	16,319	19,230	22,498	19,283	<b>77,330</b>
Employer is filing an amended petition without an extension of stay for an H-1B nonimmigrant	6,680	5,734	5,986	6,287	<b>24,687</b>
Employer is filing a petition in order to correct a USCIS error	9	13	9	10	<b>41</b>
Employer is a primary or secondary education institution	610	816	1,660	1,770	<b>4,856</b>
Employer is a nonprofit entity engaged in clinical training	1,727	2,334	4,023	2,584	<b>10,668</b>

<sup>12</sup> The total in the “Total Petitions Filed” row is a sum of the “without any fee exemption” and “with at least 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 2023**

<b>For Fiscal Year 2023</b>	<b>Oct 2022 to Dec 2022</b>	<b>Jan 2023 to Mar 2023</b>	<b>Apr 2023 to Jun 2023</b>	<b>Jul 2023 to Sep 2023</b>	<b>FY 2023</b>
<b>TOTAL PETITIONS APPROVED<sup>15</sup></b>	<b>99,805</b>	<b>77,555</b>	<b>96,886</b>	<b>112,094</b>	<b>386,340</b>
Without any fee exemptions	64,734	42,736	60,430	76,474	244,374
With at least one exemption	35,071	34,819	36,456	35,620	141,966
<b>SIZE OF EMPLOYERS SUBJECT TO ADDITIONAL FEE</b>					
Employer of no more than 25 full-time equivalent employees	12,583	5,929	6,092	14,375	38,979
Employer of 26 or more full-time equivalent employees	87,170	71,609	90,790	97,718	347,287
Number of full-time equivalent employees unknown <sup>16</sup>	52	17	4	1	74
<b>REASONS FOR EXEMPTION<sup>17</sup></b>					
Employer is an institution of higher education	5,284	4,464	7,431	6,782	23,961
Employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education	3,494	3,321	5,954	5,461	18,230
Employer is a nonprofit research organization or a government research organization	1,692	1,570	1,837	1,690	6,789
Employer is filing a second (or subsequent) extension of stay for an H-1B nonimmigrant	18,962	19,564	18,860	19,023	76,409
Employer is filing an amended petition without an extension of stay for an H-1B nonimmigrant	7,659	7,856	4,836	4,901	25,252
Employer is filing a petition in order to correct a USCIS error	8	13	8	9	38
Employer is a primary or secondary education institution	936	607	1,318	1,926	4,787
Employer is a nonprofit entity engaged in clinical training	2,159	2,079	3,635	2,953	10,826

<sup>15</sup> The total in the “Total Petitions Filed” row is a sum of the “without any fee exemption” and “with at least 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 – Number of H-1B Petitions Requiring Fraud Prevention and Detection Fee

Table 4 shows the number of H-1B petitions filed in FY 2023 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.

This additional fee is required by the *H-1B Visa Reform Act of 2004*, which imposes an additional \$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 petitions are exempt from this fee.

**Table 4. Number of H-1B Petitions Filed Requiring Fraud Prevention and Detection Fee, FY 2023**

For Fiscal Year 2023	Oct 2022 to Dec 2022	Jan 2023 to Mar 2023	Apr 2023 to Jun 2023	Jul 2023 to Sep 2023	FY 2023
<b>TOTAL PETITIONS FILED WITH FEE</b>	<b>29,486</b>	<b>26,515</b>	<b>90,694</b>	<b>44,150</b>	<b>190,845</b>
<b>REASONS FOR FRAUD FEE</b>					
New employment (including new employer filing H-1B extension)	21,734	18,335	19,558	16,971	<b>76,598</b>
New concurrent employment	398	318	432	509	<b>1,657</b>
Change of employer	7,354	7,862	70,704	26,670	<b>112,590</b>

**Table 5. Number of H-1B Petitions Approved Requiring Fraud Prevention and Detection Fee, FY 2023**

For Fiscal Year 2023	Oct 2022 to Dec 2022	Jan 2023 to Mar 2023	Apr 2023 to Jun 2023	Jul 2023 to Sep 2023	FY 2023
<b>TOTAL PETITIONS APPROVED WITH FEE</b>	<b>50,321</b>	<b>29,537</b>	<b>51,284</b>	<b>63,649</b>	<b>194,791</b>
<b>REASONS FOR FRAUD FEE</b>					
New employment	22,955	18,360	18,108	16,420	<b>75,843</b>
New concurrent employment	557	494	314	430	<b>1,795</b>
Change of employer	26,809	10,683	32,862	46,799	<b>117,153</b>