

NATIONAL FOUNDATION FOR AMERICAN POLICY  
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H-1B PETITIONS AND DENIAL RATES IN FY 2022

**EXECUTIVE SUMMARY**

H-1B denial rates have returned to low levels following the Trump administration’s losses in federal court during Donald Trump’s last year in office, meaning the low annual limit for H-1B petitions is currently the main problem facing employers trying to secure foreign-born talent, according to a new analysis by the National Foundation for American Policy (NFAP). In April 2022, U.S. Citizenship and Immigration Services (USCIS) [reported](#) employers submitted over 483,000 H-1B registrations, almost 400,000 above the 85,000-annual limit for H-1B petitions. H-1B temporary visas are important because they generally represent the only practical way for a high-skilled foreign national, including an international student, to work long-term in the United States and have an opportunity to become an employment-based immigrant and a U.S. citizen. At U.S. universities, [more than 70%](#) of full-time graduate students in electrical engineering and computer and information sciences are international students.

The denial rate for (new) H-1B petitions for initial employment in FY 2022 was 2%. The H-1B denial rate declined during the final year of the Trump administration after judges declared many of its H-1B-related actions unlawful. That forced a legal settlement and changes to restrictive immigration policies that resulted in the denial rate for new H-1B petitions for initial employment in FY 2021 dropping to 4%, far lower than the denial rate of 24% in FY 2018, 21% in FY 2019 and 13% in FY 2020. H-1B petitions for “initial” employment are primarily for new employment, typically, for companies, a case that would count against the H-1B annual limit. Absent significant changes in government policies, high denial rates are unusual since employers would be unlikely to apply for H-1B petitions for individuals who do not qualify, given the time and expense.

**Table 1**  
**Denial Rate for H-1B Petitions for Initial (New) Employment**

FISCAL YEAR	DENIAL RATE
FY 2022	2%
FY 2021	4%
FY 2020	13%
FY 2019	21%
FY 2018	24%
FY 2017	13%
FY 2016	10%
FY 2015	6%
FY 2014	8%
FY 2013	7%
FY 2012	5%
FY 2011	7%
FY 2010	8%
FY 2009	15%

Source: USCIS, National Foundation for American Policy. Percentages are rounded off. Data extracted and analyzed from USCIS H-1B Employer Data Hub.

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*H-1B Petitions and Denial Rates in FY 2022*

The findings in the analysis include the following:

- The denial rate for H-1B petitions for initial employment was 2% in FY 2022, and 4% in FY 2021, the lowest known levels since data on H-1B denial rates became available. During the Trump administration, the denial rate for H-1B petitions for initial employment was much higher at 13% in FY 2017, 24% in FY 2018, 21% in FY 2019 and 13% in FY 2020. The denial rate in FY 2020 would have been higher if not for a legal settlement before the fourth quarter of FY 2020. Between FY 2010 and FY 2015, the denial rate for H-1B petitions for initial employment ranged between 5% and 8%.
- Amazon had the most approved H-1B petitions for initial employment in FY 2022, with 6,396. Amazon also had the most new H-1B petitions approved in FY 2021 and FY 2020. Infosys had the second most H-1B petitions in FY 2022 approved for initial employment at 3,151, which was approximately 2,000 fewer for the company than FY 2021. Next was TCS with 2,725, also lower than the previous year, followed by Cognizant (2,521), Google (1,562), Meta/Facebook (1,546), HCL America (1,260) and IBM (1,239). H-1B petitions are counted in the fiscal year they are approved, *not* in the cap year the H-1B visa holder begins to work.
- According to USCIS data, the median annual salary for H-1B visa holders was \$108,000 in [FY 2021](#). In computer-related occupations in FY 2021, the median salary for H-1B visa holders was \$111,000, and the average salary in computer-related occupations was \$118,000.
- A company could spend up to \$31,000 to file an initial H-1B petition (for three years) and an extension for an additional three years based on an [NFAP analysis](#) of government fees and attorney costs. In January 2023, USCIS [proposed a regulation](#) that would significantly increase the fees for employers hiring H-1B visa holders.
- Nearly 70% of H-1B visa holders approved for initial employment in FY 2021 earned a master's degree or higher, [according to USCIS. At U.S. universities](#), foreign nationals account for 74% of the full-time graduate students in electrical engineering, 72% in computer and information sciences, and 50% to 70% of full-time graduate students in statistics, civil engineering, materials sciences and pharmaceutical sciences. Without international students, it would likely be impossible to sustain graduate-level programs in key fields at many U.S. universities.

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*H-1B Petitions and Denial Rates in FY 2022*

- The 85,000 new H-1B petitions allowed each year for companies represent only 0.05% of the approximately 165 million people in the U.S. labor force. Beginning in FY 2004, the supply of H-1B petitions has been exhausted every fiscal year up to the present.
- The denial rate for H-1B petitions for continuing employment was 2% in FY 2022 and FY 2021, much lower than the 12% denial rate in FY 2018 and FY 2019 and the lowest level since data on H-1B denial rates became available. H-1B petitions for “continuing” employment are usually extensions for existing employees at the same company or an H-1B visa holder changing to a new employer.
- Much of the increase in denials for continuing employment during the Trump administration was due to an October 2017 [memo](#) that instructed adjudicators to no longer “give deference to the findings of a previously approved petition.” Many extensions of H-1B status were reviewed under a new, more restrictive standard based on policies that judges later determined to be unlawful. Employers and attorneys credited USCIS Director Ur Jaddou and the Biden administration for rescinding the October 2017 memo.

This NFAP analysis is based on data from the USCIS [H-1B Employer Data Hub](#). The report updates earlier work, including NFAP reports on H-1B petitions approved in [FY 2019](#), [FY 2020](#) and [FY 2021](#).

## **TOP EMPLOYERS OF NEW H-1B VISA HOLDERS**

Amazon had the most approved H-1B petitions for initial employment in FY 2022, with 6,396. Amazon also had the most new H-1B petitions approved in FY 2021 and FY 2020. Infosys had the second most H-1B petitions in FY 2022 approved for initial employment at 3,151, which was approximately 2,000 fewer for the company than FY 2021. Next on the list was TCS, with 2,725, also lower than the previous year, and Cognizant (2,521), Google (1,562), Meta/Facebook (1,546), HCL America (1,260) and IBM (1,239).

## **H-1B DENIAL RATES RETURN TO PRE-TRUMP LEVELS**

The denial rate for H-1B petitions for initial employment was 2% in FY 2022, and 4% in FY 2021, the lowest known level since data on H-1B denial rates became available.<sup>1</sup> Those denial rates were much lower than the denial rate of 13% in FY 2017, 24% in FY 2018, 21% in FY 2019 and 13% in FY 2020 during the Trump administration. The 4% denial rate for H-1B petitions for initial employment in FY 2021 was close to the denial rate of between 5% and 8% for H-1B petitions for initial employment between FY 2010 and FY 2015.

NFAP found the denial rates in FY 2021 and FY 2015 to be similar for employers, meaning the Trump years were an aberration due to imposing restrictive policies that courts found to be unlawful. For several companies, particularly those that provide IT services or other business services to U.S. companies, the denial rate for H-1B petitions for initial employment was far lower in FY 2021 than in FY 2020.

Legal defeats ended the Trump administration's H-1B policies. The fourth quarter of FY 2020 began on July 1, 2020. On June 17, 2020, USCIS was compelled to issue a [new policy memo](#) and withdraw a February 2018 [memo](#) on "Contracts and Itineraries Requirements for H-1B Petitions Involving Third-Party Worksites" after losing a court case and then agreeing to a [settlement](#) with the business group ITServe Alliance. USCIS also lost cases on who qualified for an H-1B petition, and rescinded the "[Neufeld](#)" [memo](#), a January 2010 memo interpreted more aggressively during the Trump years to deny H-1B petitions when H-1B visa holders worked at customer sites.

The memos and their interpretation were blamed for increased costs and higher denial rates for H-1B petitions, particularly for IT services companies. Data on H-1B denials in the fourth quarter of FY 2020 revealed the impact of the rescission of the two memos. The denial rate for H-1B petitions for initial employment was 1.5% in the fourth quarter of FY 2020, far lower than the 15% denial in the fourth quarter of FY 2019.

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<sup>1</sup> Reliable historical data on denial rates go back to FY 2009. H-1B petitions for "initial" employment are primarily for new employment, typically a case that would count against the H-1B annual limit.

*H-1B Petitions and Denial Rates in FY 2022*

**Table 2**  
**Approved H-1B Petitions and Denial Rates for Initial Employment: FY 2022, FY 2021 and FY 2020**

Employer	FY 2022 Approved Petitions Initial Employment	FY 2021 Approved Petitions Initial Employment	FY 2020 Approved Petitions Initial Employment	FY 2022 Denial Rate Initial Employment	FY 2021 Denial Rate Initial Employment	FY 2020 Denial Rate Initial Employment
Amazon	6,396	6,182	4,774	1%	2%	3%
Infosys	3,151	5,256	3,512	2%	4%	36%
TCS	2,725	3,063	2,409	3%	4%	10%
Cognizant	2,521	1,481	2,005	1%	1%	43%
Google	1,562	1,453	1,682	1%	1%	1%
Meta/Facebook	1,546	1,196	1,184	1%	1%	1%
HCL America	1,260	1,299	1,405	4%	3%	22%
IBM	1,239	1,402	1,360	2%	4%	9%
Wipro	1,172	2,121	1,004	2%	5%	26%
Deloitte	1,169	1,235	1,231	1%	6%	17%
Accenture	1,097	1,076	1,140	1%	4%	20%
Capgemini	1,090	889	1,413	1%	4%	21%
Microsoft	1,008	1,240	1,791	1%	1%	2%
Apple	930	1,071	748	1%	2%	1%
Intel	894	549	788	1%	2%	2%
Ernst & Young	701	489	528	1%	3%	7%
Goldman Sachs	556	640	399	1%	2%	1%
Qualcomm	524	485	557	1%	1%	2%
Tech Mahindra	509	1,104	887	3%	5%	17%
Oracle	491	592	522	0.2%	1%	3%
Citibank	489	325	267	0.2%	1%	1%
McKinsey & Co.	481	365	229	3%	6%	7%
PricewaterhouseCoopers	429	276	492	2%	3%	11%
JPMorgan	420	325	292	1%	4%	2%
Walmart	392	380	435	1%	2%	3%

Source: USCIS, National Foundation for American Policy. Data extracted and analyzed from USCIS H-1B Employer Data Hub. Percentages are rounded off. Note: IBM and IBM Private India were combined, as were Amazon and its related entities. Nonprofit organizations are not included in the list.

*H-1B Petitions and Denial Rates in FY 2022***H-1B PETITIONS FOR CONTINUING EMPLOYMENT**

The denial rate for H-1B petitions for “continuing” employment (primarily for existing employees) was 2% in FY 2022, the same as in FY 2021, much lower than the 7% rate in FY 2020, and far lower than the 12% denial rate in FY 2018 and FY 2019. The decline in the H-1B denial rate for continuing employment cases reflects the impact of court decisions and the legal settlement. The 12% denial rate for H-1B petitions for continuing employment in FY 2018 and FY 2019 during the Trump years was four times as high as the 3% denial rate between FY 2011 and FY 2015.

**Table 3**  
**Denial Rate: H-1B Petitions for Continuing Employment**

<b>FISCAL YEAR</b>	<b>DENIAL RATE</b>
<b>FY 2022</b>	2%
<b>FY 2021</b>	2%
<b>FY 2020</b>	7%
<b>FY 2019</b>	12%
<b>FY 2018</b>	12%
<b>FY 2017</b>	5%
<b>FY 2016</b>	4%
<b>FY 2015</b>	3%
<b>FY 2014</b>	3%
<b>FY 2013</b>	3%
<b>FY 2012</b>	3%
<b>FY 2011</b>	3%
<b>FY 2010</b>	5%
<b>FY 2009</b>	6%

Source: USCIS, National Foundation for American Policy. Percentages are rounded off. Data extracted and analyzed from USCIS H-1B Employer Data Hub.

In FY 2022, Amazon had the most approved H-1B petitions for continuing employment with 17,223, followed by TCS (7,267), Google (6,883), Microsoft (6,202), Meta/Facebook (6,180), Deloitte (4,706) and Apple (4,116). These numbers do not represent individual employees but can include H-1B visa holders approved multiple times for continuing employment during the same year, especially if they changed locations. The numbers also are inflated by companies filing extensions to retain H-1B visa holders, particularly from India, who are waiting years in employment-based green card backlogs due to the per-country limit.

H-1B Petitions and Denial Rates in FY 2022

**Table 4**  
**Approved H-1B Petitions and Denial Rates for Continuing Employment: FY 2022, FY 2021 and FY 2020**

Employer	FY 2022 Approved Petitions Continuing Employment	FY 2021 Approved Petitions Continuing Employment	FY 2020 Approved Petitions Continuing Employment	FY 2022 Denial Rate Continuing Employment	FY 2021 Denial Rate Continuing Employment	FY 2020 Denial Rate Continuing Employment
Amazon	17,223	10,703	9,466	2%	1%	2%
TCS	7,267	7,460	6,016	3%	7%	10%
Google	6,883	5,011	4,138	1%	1%	1%
Microsoft	6,202	5,203	5,209	1%	1%	1%
Meta/Facebook	6,180	3,904	3,226	1%	1%	1%
Deloitte	4,706	6,427	5,326	1%	7%	20%
Apple	4,116	3,656	3,134	1%	1%	0.4%
Infosys	4,016	10,170	6,334	1%	2%	21%
Cognizant	3,661	7,410	12,873	1%	3%	16%
Intel	2,865	1,936	2,119	3%	1%	2%
JPMorgan Chase	2,712	2,512	2,029	1%	0.4%	1%
Oracle	2,361	1,735	1,681	0.3%	1%	2%
Ernst & Young	2,318	1,824	2,887	1%	2%	12%
Walmart	2,275	1,609	1,087	1%	1%	1%
Cisco	2,240	1,425	1,498	1%	1%	2%
Pricewater- houseCoopers	2,176	1,351	1,526	1%	5%	13%
Capgemini	2,039	2,314	3,894	1%	1%	4%
Salesforce	1,975	2,447	1,114	1%	1%	1%
IBM	1,916	1,775	1,913	1%	5%	6%
HCL America	1,881	1,780	2,801	3%	3%	15%
Fidelity Investments	1,538	2,122	567	2%	1%	2%
Citibank	1,281	546	416	1%	1%	1%
Qualcomm	1,265	1,003	1,201	2%	1%	2%
Compunnel	1,207	2,095	1,269	3%	2%	4%
LinkedIn	1,206	817	717	1%	1%	1%

Source: USCIS, National Foundation for American Policy. Data extracted and analyzed from USCIS H-1B Employer Data Hub. Percentages are rounded off. Note: IBM and IBM Private India were combined, as were Amazon and its related entities. Nonprofit organizations are not included in the list.

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*H-1B Petitions and Denial Rates in FY 2022*

Employers, such as IT services companies, must file an amended petition for every H-1B professional who moves to a new project at a new work location. The policy is due to the 2015 USCIS Administrative Appeals Office decision in *Matter of Simeio Solutions* that requires an employer to file an amended H-1B petition in most instances where an H-1B professional is relocated to a new work location. “The key point to bear in mind is that each of these approvals does not represent a unique individual as an employer could conceivably file several petitions in a year for a professional who works on projects that last just a few months,” said Vic Goel, managing partner of Goel & Anderson.<sup>2</sup>

Compared to FY 2020, USCIS adjudicators denied H-1B petitions for continuing employment at a much lower rate in FY 2022 and FY 2021. This was particularly true for employers that provide information technology or other business services. It illustrates the impact of the Trump administration’s court losses and the ITServe Alliance legal settlement.

Denials for continuing employment increased during the Trump administration primarily because in October 2017, the new USCIS director issued a [memo](#) that directed adjudicators to no longer give deference “to the findings of a previously approved petition, as long as the key elements were unchanged and there was no evidence of a material error or fraud related to the prior determination.”<sup>3</sup> As a result of the denials for continuing employment, many companies reported being forced to dismiss long-term, experienced employees, including individuals waiting years for an employment-based green card, whose H-1B status ended because USCIS denied an application for an extension. In some cases, companies transferred employees to another location. When that was not possible, employees were released. In 2021, USCIS Director Ur Jaddou rescinded the October 2017 memo, an action supported by employers and existing employees in H-1B status.

## **THE H-1B ANNUAL LIMIT AND TECH LAYOFFS**

Despite high-profile layoffs in the technology industry, the 85,000-annual limit on H-1B petitions (for FY 2024) will likely be filled when the registration period opens in March 2023. That is because the annual limit is low relative to the size of the U.S. labor force and the demand for talent. The 85,000 new H-1B petitions allowed each year for companies represent only 0.05% of the approximately 165 million people in the U.S. labor force. An H-1B petition is often the only practical way to hire a high-skilled foreign national, including an international student.

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<sup>2</sup> Interview with Vic Goel.

<sup>3</sup> <https://www.uscis.gov/news/news-releases/uscis-updates-policy-ensure-petitioners-meet-burden-proof-nonimmigrant-worker-extension-petitions>.



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*H-1B Petitions and Denial Rates in FY 2022*

In April 2022, U.S. Citizenship and Immigration Services (USCIS) [reported](#) nearly 400,000, or 82%, of the registrations submitted by employers for the H-1B registration and selection process (for FY 2023) would not gain H-1B petitions because of the 85,000-annual limit for H-1B petitions. For FY 2023, USCIS received 483,927 H-1B registrations. In March 2021, employers [filed 308,613 H-1B registrations](#) for cap selection for FY 2022, but only 85,000 H-1B petitions could be chosen under the law, which means over 72% of H-1B registrations for high-skilled foreign nationals would not result in an H-1B petition.

Analysts and technology watchers note the layoffs at tech firms need to be kept in perspective. “[E]ven with all of the layoffs announced in recent weeks, most tech companies are still vastly larger than they were three years ago,” reports [Fortune](#). The magazine explains: “Large and small tech companies went on a hiring spree in over the past several years due to a demand for their products, software and services surged with millions of people working remotely.”

Still, the layoffs have been difficult for U.S. workers and H-1B visa holders, who often need to find another employer within 60 days to remain in H-1B status. The *Wall Street Journal* reported some positive news: “About 79% of workers recently hired after [a tech-company layoff](#) or termination landed their new job within three months of starting their search, according to a [ZipRecruiter](#) survey of new hires. That was just below the 83% share of all laid-off workers who were re-employed in the same time frame. Nearly four in 10 previously laid off tech workers found jobs less than a month after they began searching, ZipRecruiter found in the survey.”<sup>4</sup>

“Despite the widespread layoffs, hiring freezes, and cost-cutting taking place in tech, many tech workers are finding reemployment remarkably quickly,” said Julia Pollak, chief economist at ZipRecruiter. “They’re still the most sought-after workers with the most in-demand skills.”<sup>5</sup>

## **ECONOMIC RESEARCH ON H-1B VISA HOLDERS**

A large body of research addresses concerns about the impact of H-1B visas. Many of these concerns are based on a lack of understanding of economics, such as the belief in the [“lump of labor fallacy,”](#) the notion discredited by economists that there is a fixed quantity of labor needed in an economy.

There is no evidence U.S.-born professionals have been prevented from earning high salaries because of H-1B visa holders. “Median earnings of [native] college graduates with a computer-related major are 35% higher than

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<sup>4</sup> Sarah Chaney Cambon and Gwynn Guilford, “Laid Off Tech Workers Quickly Find New Jobs,” *Wall Street Journal*, December 27, 2022.

<sup>5</sup> *Ibid.*

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other STEM (science, technology, engineering and math) majors and fully 83% higher than non-STEM majors,” according to research by economist Madeline Zavodny. “The substantial earnings premium for IT professionals and computer-related majors is consistent with persistently strong demand for workers with these technical skills. Even during a period of temporary and permanent immigration into the U.S. of skilled foreign-born workers and offshoring of technical jobs outside of the U.S., U.S.-born IT professionals and computer and information systems majors continued to earn, on average, substantially more than other professional workers and other majors.”<sup>6</sup>

Zavodny also researched a unique situation to examine whether admitting fewer foreign workers would help U.S. workers. In a report for the National Foundation for American Policy, she found it did not. “The Covid-19 pandemic resulted in a sharp drop in international migration to the United States, but there is no evidence the entry of fewer foreign workers on temporary visas improved outcomes for U.S. workers.”

“The research examined labor markets where more temporary foreign workers were employed prior to the pandemic and found the drop in H-2B program admissions did not boost labor market opportunities for U.S. workers but rather, if anything, worsened them,” writes Zavodny. “The results also do not indicate gains for similar U.S. workers in labor markets that had relied more on the H-1B and J-1 visa programs. There is no evidence of improved labor market opportunities for U.S. workers in the leisure and hospitality sector during the summer months as a result of the virtual shutdown of the J-1 Summer Work Travel program.

“There is also no evidence of faster employment growth or lower unemployment rates for college graduate U.S. natives as a result of decreased admissions via the H-1B program. Instead, labor markets that had been more reliant on temporary foreign workers via the H-1B program before the pandemic appeared to have had more unfilled jobs during the pandemic. The large drop in new temporary foreign workers via the H-1B program thus does not appear to have led to better labor market outcomes for the U.S. natives who might compete with those workers for jobs.”<sup>7</sup>

It is required under [U.S. law](#) for employers to pay the higher of the actual or prevailing wage paid to U.S. workers with similar experience and qualifications. That does not include significant [legal and government fees](#) employers typically pay to petition for H-1B professionals.<sup>8</sup>

Many studies, both academic and government, have concluded H-1B visa holders do not harm the prospects of U.S. workers and are paid the same or higher than comparable U.S. professionals.

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<sup>6</sup> Madeline Zavodny, *The Earnings of IT Professionals Compared With Other Professionals*, NFAP Policy Brief, National Foundation for American Policy, June 2021.

<sup>7</sup> Madeline Zavodny, *The Impact of the Covid-19 Drop in International Migration on the U.S. Labor Market*, NFAP Policy Brief, National Foundation for American Policy, February 2022.

<sup>8</sup> Stuart Anderson, “New Increase In H-1B Visa Fees Further Shatters ‘Cheap Labor’ Myth,” *Forbes*, November 1, 2021.

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- The Government Accountability Office (GAO) found in the category Electrical/Electronics Engineering Occupations (age group 20-39), the median salary for an engineer in H-1B status was \$5,000 higher than for a U.S. engineer.<sup>9</sup>
- An analysis by Glassdoor concluded: “Across the 10 cities and roughly 100 jobs we examined, salaries for foreign H-1B workers are about *2.8 percent higher* than comparable U.S. salaries on Glassdoor.”<sup>10</sup>
- University of Maryland researchers Sunil Mithas and Henry C. Lucas, Jr., after examining the skills and compensation of over 50,000 IT professionals, wrote, “[C]ontrary to popular belief, non-U.S. citizen IT professionals are not paid less compared to American IT professionals.”<sup>11</sup>
- Economists Magnus Lofstrom and Joseph Hayes with the Public Policy Institute of California found, “[O]verall H-1B workers in STEM occupations have higher earnings than their otherwise observationally similar U.S. born counterparts.”<sup>12</sup>
- In a May 2020 National Foundation for American Policy study, economist Madeline Zavodny concluded, “H-1B visa holders do not adversely affect U.S. workers. On the contrary, the evidence points to the presence of H-1B visa holders being associated with lower unemployment rates and faster earnings growth among college graduates, including recent college graduates.”<sup>13</sup>
- A [study](#) by economists Giovanni Peri, Kevin Shih, Chad Sparber and Angie Marek Zeitlin examined the last recession and found that denying the entry of H-1B visa holders due to the annual limits harmed job growth for U.S.-born professionals. “The number of jobs for U.S.-born workers in computer-related industries would have grown at least 55% faster between 2005-2006 and 2009-2010, if not for the denial of so many applications in the recent H-1B visa lotteries,” concluded the economists.<sup>14</sup>
- [Research](#) by Britta Glennon, an assistant professor at the Wharton School of Business at the University of Pennsylvania, found new restrictions on H-1B visas are likely to push jobs out of the United States, concluding, “[A]ny policies that are motivated by concerns about the loss of native jobs should consider that

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<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Madeline Zavodny, *The Impact of H-1B Visa Holders on the U.S. Workforce*, NFAP Policy Brief, National Foundation for American Policy, May 2020.

<sup>14</sup> Giovanni Peri, Kevin Shih, Chad Sparber and Angie Marek Zeitlin (June 2014), *Closing Economic Windows: How H-1B Visa Denials Cost U.S.-Born Tech Workers Jobs and Wages During the Great Recession*, Partnership for a New American Economy.

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policies aimed at reducing immigration have the unintended consequence of encouraging firms to offshore jobs abroad.”<sup>15</sup>

## CONCLUSION

H-1B visas are essential because they generally represent the only practical way for a high-skilled foreign national, including an international student, to work long-term in the United States and have an opportunity to become an employment-based immigrant and a U.S. citizen. A 2022 [NFAP study](#) found 55% of America’s startup companies valued at \$1 billion or more have at least one immigrant founder, illustrating the importance and contributions of immigrants to the U.S. economy. The denial rates discussed in the report are separate from the large number of H-1B registrations rejected each year because of the low numerical limit under U.S. immigration law. In FY 2023, more than 80% of H-1B registrations for high-skilled foreign nationals did not result in an approved H-1B visa because of the low annual limit for H-1B petitions. That helps illustrate how restrictive current policies are toward high-skilled foreign nationals in America, particularly compared to other countries with which the United States competes for talent.

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<sup>15</sup> Britta Glennon, *How Do Restrictions on High-Skilled Immigration Affect Offshoring? Evidence from the H-1B Program*, Carnegie Mellon University, May 2019.

**Appendix**

**Table 5**  
**NEW H-1B PETITIONS ISSUED AGAINST THE H-1B CAP BY FISCAL YEAR**

<u>Year</u>	<u>CAP*</u>	<u>#Issued</u>	<u>#Unused</u>
1992	65,000	48,600	16,400
1993	65,000	61,600	3,400
1994	65,000	60,300	4,700
1995	65,000	54,200	10,800
1996	65,000	55,100	9,900
1997	65,000	65,000	0
1998	65,000	65,000	0
1999	115,000	115,000	0
2000	115,000	115,000	0
2001	195,000	163,600	31,400
2002	195,000	79,100	115,900
2003	195,000	78,000	117,000
2004	65,000	65,000	0
2005	65,000	65,000	0
2006	65,000	65,000	0
2007	65,000	65,000	0
2008	65,000	65,000	0
2009	65,000	65,000	0
2010	65,000	65,000	0
2011	65,000	65,000	0
2012	65,000	65,000	0
2013	65,000	65,000	0
2014	65,000	65,000	0
2015	65,000	65,000	0
2016	65,000	65,000	0
2017	65,000	65,000	0
2018	65,000	65,000	0
2019	65,000	65,000	0
2020	65,000	65,000	0
2021	65,000	65,000	0
2022	65,000	65,000	0
2023	65,000	65,000	0

Source: Dept. of Homeland Security; National Foundation for American Policy. \*Does not include exemptions from cap. Unused refers to whether the supply of H-1B petitions was exhausted in the fiscal year.

## **ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY**

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