
BY THE U.S. GENERAL ACCOUNTING OFFICE

**Report To The Chairman, Committee On The
Judiciary, House Of Representatives**

**Information On Aliens Admitted Into
The United States As Nonimmigrant Workers**

Nonimmigrant workers with H or L visas are aliens who enter the United States temporarily at the request of employers and organizations who need these workers' skills or services. Through fiscal year 1978, the Immigration and Naturalization Service published an annual statistical report that contained information on nonimmigrant workers entering the country. Since then it has not published data on nonimmigrant worker admissions because of management information systems problems. GAO developed estimates of selected characteristics of nonimmigrant workers who entered the country in 3 recent fiscal years-- 1979, 1981, and 1983. The Immigration and Naturalization Service plans to resume publication of such statistical data in fiscal year 1985.



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GENERAL GOVERNMENT
DIVISION

B-217417

The Honorable Peter W. Rodino, Jr.
Chairman, Committee on the Judiciary
House of Representatives .

Dear Mr. Chairman:

This report responds to your May 17, 1983, request that we review the use of certain nonimmigrant visa categories established by the Immigration and Nationality Act of 1952 (8 U.S.C. 1101 et seq.). As agreed with your office, we developed selected information on aliens who are admitted into the United States as nonimmigrant workers under visa categories H-1, H-2, H-3, and L-1. The Department of Justice's Immigration and Naturalization Service (INS) has not published this information since fiscal year 1978.

Nonimmigrant workers with H or L visas are aliens who enter the United States temporarily at the request of employers and organizations who need these workers' skills or services. The Immigration and Nationality Act of 1952, as amended, authorizes admissions of aliens under the following subcategories of visas for H and L nonimmigrant workers:

- H-1 visas to persons of "distinguished merit and ability," including professional entertainers, nurses, and teaching/research physicians.
- H-2 visas to workers who perform temporary services or labor for which the Department of Labor certifies unemployed persons cannot be found in this country.
- H-3 visas to worker trainees (excluding medical professionals) who receive training not available in their own country, provided their work is secondary to the training they receive.
- L-1 visas to employees transferred to the United States by employers for whom they have worked continuously for 1 year. These "intracompany transferees" are expected to work as managers or executives or use specialized knowledge.

INS has not published data on nonimmigrant worker admissions since fiscal year 1978 because of management information systems problems. INS plans to resume the publication of such statistical data beginning in fiscal year 1985.

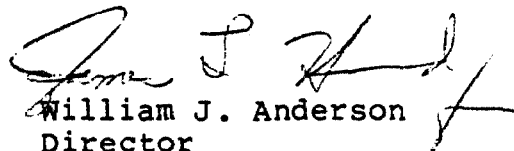
As agreed with your office, the objective of our review was to develop the following information on aliens who entered the United States as nonimmigrant workers under H-1, H-2, H-3, and L-1 visas after fiscal year 1978:

- number who entered the country;
- number who subsequently adjusted their immigrant status to remain permanently in the United States;
- countries of origin;
- occupations; and
- characteristics of their employers.

Appendix II to this letter presents tables containing the information obtained in response to your request. We obtained most of the information by randomly sampling and reviewing approved H-1, H-2, H-3, and L-1 visa applications for fiscal years 1979, 1981, and 1983 and, where appropriate, projecting the sample data nationwide. Appendix I describes the scope and methodology of our study, including the limitations on the data presented in appendix II.

As requested by your office we did not obtain agency comments. As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 10 days from the date of the report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,


William J. Anderson
Director

SCOPE AND METHODOLOGY

As agreed with the Committee, we developed the following information on H-1, H-2, H-3, and L-1 nonimmigrant workers: (1) number who entered the country, (2) number who subsequently adjusted their immigration status to remain permanently in the United States, (3) countries and continents of origin, (4) occupations, and (5) characteristics of their employers. INS records containing this information are voluminous and are located at 35 INS domestic district offices and 9 suboffices.

In developing information on nonimmigrant workers, we randomly sampled petitions (the document used to request visas) for all visa types and reviewed approved H-1, H-2, H-3, and L-1 visa petitions for 3 selected fiscal years--1979, 1981, and 1983--within the period in which INS did not publish data on this subject. Our work included sampling petitions at 20 of INS' domestic district offices and 8 of INS' suboffices. Because of specific Committee interests, we included the Chicago; Los Angeles; New York; and Washington, D.C. District Offices in our sample and randomly selected the other offices. We interviewed INS headquarters and district office officials and reviewed INS files containing detailed documentation for the approved visa petitions in our sample. We compared the approved visa petitions in our sample with INS records identifying aliens requesting or granted permanent resident status. Table 1 presents the sample sizes of approved H-1, H-2, H-3, and L-1 visa petitions and the sample universe for each of the 3 fiscal years we sampled.

Table 1Sample Sizes of Approved Visa Petitions

| <u>FY</u> | <u>Sample universe</u> | <u>Petitions sampled</u> | | | | | <u>Total</u> |
|-----------|------------------------|--------------------------|------------|------------|------------|-----|--------------|
| | | <u>H-1</u> | <u>H-2</u> | <u>H-3</u> | <u>L-1</u> | | |
| 1979 | 32,268 | 221 | 86 | 56 | 139 | 502 | |
| 1981 | 35,012 | 208 | 81 | 45 | 190 | 524 | |
| 1983 | 43,523 | 341 | 145 | 67 | 272 | 825 | |

We weighted the cases in our sample to make nationwide projections where we had sample sizes sufficient to confidently make projections. We are 95-percent confident that the projections of the number of nonimmigrant workers entering the country as shown on table 2 in appendix II are within plus or minus 5 percentage points of what would have been obtained had we collected data on all requests for approved petitions. We are 95-percent confident that all other projections are accurate within plus or minus 10 percentage points.

The data we gathered in our sample allowed us to make nationwide projections of the following statistics:

- number of H-1, H-2, H-3, and L-1 nonimmigrant workers who entered the country in fiscal years 1979, 1981, and 1983 (see app. II, table 2);
- number of H-1, H-2, H-3, and L-1 nonimmigrant workers entering the country in fiscal years 1979 and 1981 who became or obtained approval to become permanent U.S. residents (see app. II, table 3);
- predominant countries and continents of origin of H-1, H-2, and L-1 nonimmigrant workers who entered the country in fiscal years 1979, 1981, and 1983 (see app. II, tables 4 through 7);
- predominant occupations of H-1, H-2, and L-1 nonimmigrant workers entering in fiscal years 1979, 1981, and 1983 (see app. II, tables 8 through 10); and
- size of the organizations (measured by total number of employees) that petitioned for H-1, H-2, H-3, and L-1 nonimmigrant workers in fiscal years 1979, 1981, and 1983 by numbers of workers receiving visas and by number of petitions (see app. II, tables 11 and 12).

In addition, we projected the number of H-1, H-2, H-3, and L-1 approved petitions in fiscal year 1983 for four INS district offices in which the Committee expressed particular interest (see app. II, table 13). This projection is at the 95 percent level of confidence within plus or minus 10 percentage points of what would have been obtained had we collected data on all approved petitions at these district offices.

In interpreting the statistical data presented in appendix II, the following additional factors should be considered:

- (1) The information presented describes four visa categories of nonimmigrant workers (H-1, H-2, H-3, and L-1) entering the United States during fiscal years 1979, 1981, and 1983. Political and socio-economic trends in the United States and in the countries of origin of nonimmigrants strongly affect the numbers and types of aliens entering the United States. The data presented should be viewed as a snapshot of entries under the specified visa categories in the specified years and should not be interpreted as indicating possible future trends in the use of visa types.

- (2) Because reliable information on actual admissions of nonimmigrant workers was not available, our sample consists of visas that have been approved by INS but not necessarily used by the visa applicant. Since all of the persons who received approved visas may not have used them, our projections may overstate the number of nonimmigrant workers who actually entered this country. INS officials told us, however, that the number of workers who do not use their visas is small.
- (3) Our projection for each fiscal year may include persons who either entered the country more than once under different visa applications in that year or who entered in another year using the same or another visa type.
- (4) The information presented refers only to nonimmigrant workers entering with H-1, H-2, H-3, and L-1 visas and does not include any dependents who accompanied these workers to the United States and who would have entered under other visa categories.
- (5) Information presented regarding H-2 nonimmigrant workers does not include a large group of nonimmigrant agricultural workers who entered the country through the INS Miami district office in each of the 3 selected fiscal years with H-2 visas. Most of these workers entered the country from Jamaica and other countries in the Caribbean. INS was unable to provide us with verifiable estimates of the number of those workers but told us that this group of workers (known as British West Indies (BWI) program agricultural workers) is unique and that no similar large group of nonimmigrant workers enters the country through other INS district offices. Informal estimates by INS and Department of Labor officials familiar with the BWI program place the number of nonimmigrant agriculture workers at between 12,000 and 15,000 annually.
- (6) The information presented does not separately identify the countries of origin and selected occupations of H-3 nonimmigrant workers because the number of such workers in our sample was too small to permit projections at the desired confidence level.
- (7) Because the peak period for H and L visa holders to adjust to permanent resident status occurs a few years after admission into the country, we did not estimate adjustments to permanent residents for fiscal year 1983 visa holders. We did, however, estimate the number of H-1, H-2, H-3, and L-1 nonimmigrant workers who entered the country in 1979 and 1981 who became or received INS approval to become permanent resident aliens.

- (8) The information presented on countries and continents of origin and selected occupations includes most, but not all, H and L nonimmigrant workers entering the country because INS documentation of approved visa petitions was sometimes incomplete and did not include this information.

Table 2Estimated Number of Workers Entering the Country

| <u>Visa category</u> | <u>FY 1979</u> | <u>FY 1981</u> | <u>FY 1983</u> |
|----------------------|----------------|----------------|----------------|
| H-1 | 31,400 | 23,500 | 35,400 |
| H-2 ^a | 20,800 | 17,900 | 11,800 |
| H-3 | <u>3,900</u> | <u>3,800</u> | <u>3,000</u> |
| | 56,100 | 45,200 | 50,200 |
| L-1 | 8,900 | 13,300 | 15,500 |
| Total | <u>65,000</u> | <u>58,500</u> | <u>65,700</u> |

^aH-2 visa category estimates do not include approximately 12,000 to 15,000 nonimmigrant agricultural workers from Jamaica and other Caribbean countries.

Table 3Estimated Number of Nonimmigrant Workers Who
Became Permanent U.S. Residents^a

| <u>Visa category</u> | <u>FY 1979</u> | <u>FY 1981</u> |
|--------------------------|----------------|----------------|
| H-1 | 4,044 | 3,833 |
| H-2 ^b | 1,075 | 243 |
| H-3 | 543 | 256 |
| L-1 | <u>2,303</u> | <u>1,420</u> |
| Total | <u>7,965</u> | <u>5,752</u> |

^aEstimates include those persons who have adjusted status or have approval from INS to do so. Fiscal year 1983 data are not shown because nonimmigrant workers usually seek an adjustment status several years after entering the country.

^bH-2 visa category estimates do not include approximately 12,000 to 15,000 nonimmigrant agriculture workers from Jamaica and other Caribbean countries.

Table 4

Predominant Countries of Origin of Nonimmigrant Workers
Admitted to the United States with H-1 Visas

| <u>Country^a</u> | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|----------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|
| | <u>Number of people</u> | <u>Percent of all H-1s</u> | <u>Number of people</u> | <u>Percent of all H-1s</u> | <u>Number of people</u> | <u>Percent of all H-1s</u> |
| Canada | 7,253 | 26 | 3,225 | 14 | a | a |
| Philippines | 6,102 | 22 | 5,911 | 26 | 10,074 | 29 |
| United Kingdom | 5,546 | 20 | 3,185 | 14 | 4,895 | 14 |

^aWe have not shown those countries of origin where the total number of nonimmigrant workers admitted to the United States constitutes 10 percent or less of the total in any given year. We could not determine the countries of origin for all workers because INS documentation was sometimes incomplete.

Table 5

Predominant Countries of Origin of Nonimmigrant Workers
Admitted to the United States with H-2 Visas^a

| <u>Country^b</u> | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|----------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|
| | <u>Number of people</u> | <u>Percent of all H-2s</u> | <u>Number of people</u> | <u>Percent of all H-2s</u> | <u>Number of people</u> | <u>Percent of all H-2s</u> |
| Canada | 3,510 | 22 | 6,722 | 42 | 4,059 | 37 |
| Mexico | 2,691 | 17 | 3,945 | 25 | 2,808 | 26 |
| Jamaica | 2,207 | 14 | b | b | b | b |
| Philippines | 1,711 | 11 | b | b | b | b |

^aH-2 visa category estimates do not include approximately 12,000 to 15,000 nonimmigrant agricultural workers from Jamaica and other Caribbean countries.

^bWe have not shown those countries of origin where the total number of nonimmigrant workers admitted to the United States constitutes 10 percent or less of the total in any given year. We could not determine the countries of origin for all workers because INS documentation was sometimes incomplete.

Table 6

Predominant Countries of Origin of Nonimmigrant Workers
Admitted to the United States with L-1 Visas^a

| <u>Country</u> | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|-------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|
| | <u>Number of people</u> | <u>Percent of all L-1s</u> | <u>Number of people</u> | <u>Percent of all L-1s</u> | <u>Number of people</u> | <u>Percent of all L-1s</u> |
| United Kingdom | 2,659 | 30 | 2,465 | 19 | 2,117 | 14 |
| Canada | 1,733 | 20 | 3,788 | 29 | 1,973 | 13 |
| Taiwan | a | a | a | a | 1,741 | 12 |

^aWe have not shown those countries of origin where the total number of nonimmigrant workers admitted to the United States constitutes 10 percent or less of the total in any given year. We could not determine the countries of origin for all workers because INS documentation was sometimes incomplete.

Table 7

Predominant Continents of Origin of H-1, H-2, H-3, and L-1
Nonimmigrant Workers Admitted to the United States

| <u>Continent^a</u> | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|------------------------------|----------------|----------------------------|----------------|----------------------------|----------------|----------------------------|
| | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> |
| Europe | 19,500 | 34 | 14,800 | 27 | 19,300 | 30 |
| Asia | 14,600 | 26 | 16,600 | 30 | 24,200 | 38 |
| North America | 18,700 | 33 | 20,900 | 38 | 14,800 | 23 |
| Total | <u>52,800</u> | <u>93</u> | <u>52,300</u> | <u>95</u> | <u>58,300</u> | <u>91</u> |

^aWe have not shown those continents of origin where the total number of nonimmigrant workers admitted to the United States constitutes 5 percent or less of the total in any given year. We could not determine the continents of origin of all workers because INS documentation was sometimes incomplete.

^bpercentage of H-1, H-2, H-3, and L-1 nonimmigrant workers where country of origin data were provided.

Table 8

Predominant Occupations^a of Nonimmigrant Workers
Admitted to the United States with H-1 Visas

| <u>Occupation</u> | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|--|----------------------|----------------------------|----------------------|----------------------------|----------------------|----------------------------|
| | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> |
| Nurses | 8,700 | 29 | 5,900 | 25 | 10,600 | 30 |
| Musicians | 6,500 | 22 | 4,400 | 19 | 5,700 | 16 |
| Writers, artists, entertainers (except musicians), and athletes | <u>7,400</u> | <u>25</u> | <u>4,100</u> | <u>17</u> | <u>4,100</u> | <u>12</u> |
| Total | <u><u>22,600</u></u> | <u><u>75</u></u> | <u><u>14,400</u></u> | <u><u>61</u></u> | <u><u>20,400</u></u> | <u><u>58</u></u> |

^aINS occupational categories were used for coding these data.

^bPercentage of total H-1 workers where occupational data were provided.

Table 9

Predominant Occupations^a of Nonimmigrant Workers
Admitted to the United States with H-2 Visas^b

| <u>Occupation</u> | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|--|----------------|----------------------------|----------------|----------------------------|----------------|----------------------------|
| | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> |
| Musicians | 7,400 | 36 | 3,900 | 24 | 5,700 | 41 |
| Writers, artists, entertainers (except musicians), and athletes | <u>4,100</u> | <u>20</u> | <u>6,500</u> | <u>41</u> | <u>4,400</u> | <u>32</u> |
| Total | <u>11,500</u> | <u>56</u> | <u>10,400</u> | <u>65</u> | <u>10,100</u> | <u>73</u> |

^aINS occupational categories were used when coding these data.

^bH-2 visa category estimates do not include approximately 12,000 to 15,000 non-immigrant agriculture workers from Jamaica and other Caribbean countries.

Table 10

Predominant Occupations^a of Nonimmigrant Workers
Admitted to the United States with L-1 Visas

| <u>Occupation</u> | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|-------------------------|----------------|----------------------------|----------------|----------------------------|----------------|----------------------------|
| | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> | <u>Number</u> | <u>Percent^b</u> |
| Executives/ managers | 3,900 | 44 | 5,600 | 42 | 8,600 | 56 |
| Salespersons | 1,500 | 17 | 2,100 | 17 | 1,800 | 12 |
| Engineers | 1,100 | 13 | 2,300 | 17 | 2,200 | 14 |
| Total | <u>6,500</u> | <u>74</u> | <u>10,000</u> | <u>76</u> | <u>12,600</u> | <u>82</u> |

^aINS occupational categories were used when coding these data.

^bpercentage of total L-1 workers where occupational data were provided.

Table 11

Size of the Organizations^a Petitioning for
H-1, H-2, H-3, and L-1 Nonimmigrant
Workers and Numbers of Workers Receiving Visas

Petitioner's
business size
by number of
employees

| | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|----------------|------------------------------|------------------------|------------------------------|------------------------|------------------------------|------------------------|
| | <u>Number of workers</u> | <u>Percent</u> | <u>Number of workers</u> | <u>Percent</u> | <u>Number of workers</u> | <u>Percent</u> |
| 0-4 | 5,518 | 12 | 3,737 | 9 | 4,618 | 9 |
| 5-19 | 9,004 | 20 | 6,777 | 16 | 9,002 | 18 |
| 20-49 | 3,717 | 8 | 4,302 | 10 | 5,913 | 12 |
| 50-99 | 1,741 | 4 | 3,717 | 9 | 2,010 | 4 |
| 100-499 | 12,299 | 27 | 7,432 | 17 | 5,373 | 11 |
| 500-999 | 2,267 | 5 | 1,978 | 5 | 3,327 | 7 |
| 1,000-4,999 | 4,968 | 11 | 6,750 | 16 | 13,961 | 28 |
| 5,000 and over | 5,377 | 12 | 7,784 | 18 | 6,348 | 13 |
| Total | <u>44,891</u> | <u>100^b</u> | <u>42,477</u> | <u>100^b</u> | <u>50,552</u> | <u>100^b</u> |

^aThe Department of Treasury's Internal Revenue Service's Corporate Sourcebook categorizes the sizes of the organizations based on the number of employees. The Small Business Administration and the Department of Commerce also use this categorization.

^bTotals do not add due to rounding.

Table 12

Size of Organizations Petitioning for H-1, H-2,
H-3, and L-1 Nonimmigrant Workers and Number of Petitions

Petitioner's
business size
by number of
employees

| | <u>FY 1979</u> | | <u>FY 1981</u> | | <u>FY 1983</u> | |
|----------------|--------------------------------|------------------------|--------------------------------|------------------------|--------------------------------|------------------------|
| | <u>Number of petitions</u> | <u>Percent</u> | <u>Number of petitions</u> | <u>Percent</u> | <u>Number of petitions</u> | <u>Percent</u> |
| 0-4 | 2,200 | 7 | 1,460 | 5 | 3,310 | 8 |
| 5-19 | 2,970 | 10 | 3,450 | 11 | 5,390 | 13 |
| 20-49 | 1,890 | 6 | 2,050 | 6 | 3,680 | 9 |
| 50-99 | 1,490 | 5 | 1,580 | 5 | 1,910 | 5 |
| 100-499 | 4,320 | 14 | 4,750 | 15 | 4,970 | 12 |
| 500-999 | 1,650 | 5 | 1,100 | 3 | 3,060 | 8 |
| 1,000-4,999 | 3,700 | 12 | 4,830 | 15 | 5,010 | 13 |
| 5,000 and over | 4,780 | 16 | 5,670 | 18 | 4,520 | 11 |
| Size unknown | <u>7,130</u> | <u>24</u> | <u>6,950</u> | <u>22</u> | <u>8,150</u> | <u>20</u> |
| Total | <u>30,130</u> | <u>100^b</u> | <u>31,840</u> | <u>100^b</u> | <u>40,000</u> | <u>100^b</u> |

^aThe Department of Treasury's Internal Revenue Service's Corporate Sourcebook categorizes the sizes of the organizations based on the number of employees. The Small Business Administration and the Department of Commerce also use this categorization.

^bTotals do not add due to rounding.

Table 13

Estimated Number of Workers by Visa Category
For Selected INS District Offices
For Fiscal Year 1983

| | <u>H-1</u> | | <u>H-2^a</u> | | <u>H-3</u> | | <u>L-1</u> | |
|-----------------------|---------------|----------------|------------------------|----------------|---------------|----------------|---------------|----------------|
| | <u>Number</u> | <u>Percent</u> | <u>Number</u> | <u>Percent</u> | <u>Number</u> | <u>Percent</u> | <u>Number</u> | <u>Percent</u> |
| National ^b | 35,400 | 54 | 11,800 | 18 | 3,000 | 5 | 15,500 | 24 |
| Chicago | 640 | 48 | 75 | 6 | 139 | 10 | 484 | 36 |
| Los Angeles | 2,073 | 44 | 230 | 5 | 19 | 0 | 2,441 | 51 |
| New York | 4,231 | 56 | 679 | 9 | 800 | 11 | 1,833 | 24 |
| Washington, D.C. | 431 | 52 | 56 | 7 | 26 | 3 | 320 | 38 |

^aH-2 visa category estimates do not include approximately 12,000 to 15,000 non-immigrant agricultural workers from Jamaica and other Caribbean countries.

^bNational data have been rounded to hundreds.

Note: Projections for these four district offices are at the 95 percent level of confidence within plus or minus 10 percentage points of what would have been obtained had we collected data on all approved petitions at these district offices.

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