

## Practice Areas

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

### HOSPITALS / HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

### FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family  
within U.S.

Naturalization /Citizenship

### AMNESTY

## Government Reports on H-1B Visa Program

**Posted:** January 24th, 2011

The Government Accounting Office (the “GAO”) recently issued a report to the U.S. Congress regarding the status of the H-1B visa program for foreign workers with specialty occupations.

This [GAO Report on the H-1B Visa Program](#) cited a number of findings that paint an interesting picture of how the H-1B program is being utilized by domestic companies and institutions.

Among the significant findings were the following:

- More than 14 percent of all initial H-1B petitions over the past decade were filed by cap-exempt employers, such as universities and research institutions, which are apparently using the cap exemption to maximum advantage.
- Most large companies reported that they can find other ways to hire needed specialists when the cap shuts down their access to foreign workers.
- Most small companies, which are the engines of job growth, reported significant delays and economic losses associated with having to search for replacement workers when H-1B access was shut down and domestic markets were dry.
- Since 2000, most people approved as H-1B workers were born in China or India, and were hired for technology positions.
- Despite the fact that the Department of Labor review of H-1B applications is fairly limited, more than 21 percent of examined petitions were found to involve fraud or technical violations.
- While private, for profit companies are limited to hiring 65,000 H-1B workers per year nationwide, roughly 6,034 cap exempt institutions (non-profits, research and educational institutions) hired more than 87,519 H-1B workers in 2009 and that number is trending upward.
- A substantial portion of H-1B workers appear to remain in the country in pursuit of permanent residency after expiration of their work visas.

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- H-1B petitions have exceeded H-1B cap limits ever since the cap limit was dropped to 65,000 from 195,000 in 2004.

All of this suggests that the H-1B program is extremely valuable to America's non-profit institutions and would be utilized to a much greater degree by for profit institutions if it were expanded. Furthermore, smaller for profit companies must rely on the H-1B program to fill critical specialty slots much more than larger companies do (which can hire and locate workers overseas or use global staffing companies, etc).

If you are an employer seeking to hire foreign skilled workers, and you need assistance of counsel, please call our offices at (847) 564-0712. You are also welcome to check out the pertinent section of [our Website](#) for more information.