American Immigration Council

AUGUST 2026

High-Skilled Nonimmigrant Petitions

USCIS Filing and Processing Trends, FY2016 – FY2025

Executive Summary

Foreign-born workers are a critical driver of U.S. innovation. In 2023, they accounted for 23.6 percent of the science, technology, engineering, and math (STEM) workforce. Many of America's leading technology companies rely on highly skilled temporary workers to fill shortages in specialized positions and maintain their global competitiveness. However, foreign nationals' access to nonimmigrant work visa categories remains increasingly uncertain due to federal policy shifts and processing inefficiencies. Continued political pressure and growing adjudication delays threaten to exacerbate the system's existing bottlenecks.

This report analyzes U.S. Citizenship and Immigration Services (USCIS) processing trends for Form I-129 petitions associated with H-1B, L-1A, L-1B, and O visa categories. It uses the quarterly data on initial petitions from USCIS between fiscal year (FY) 2016 and FY2025, compiled in the American Immigration Council's USCIS Filing Trends Dashboard, to assess how processing trends have evolved over time and across presidential administrations.

The analysis finds growing evidence of processing strain within USCIS for high-skilled nonimmigrant petitions. Demand for beneficiaries of these petitions remained strong throughout the decade, particularly for H-1B workers, as USCIS increasingly failed to keep pace with incoming petitions. Backlogs grew, backlog clearance times lengthened, and efficiency ratios declined in several visa categories. At the same time, shifting policy and enforcement priorities led to substantially varied adjudication outcomes across visa categories and administrations, posing greater challenges for both employers and workers.

Key Findings

High-skilled nonimmigrant visa categories remain a major pathway for employment-based immigration. Between FY2016 and FY2025, nonimmigrant work visa categories accounted for almost three quarters of all approved employment-based petitions for high-skilled workers (Form I-129 for nonimmigrant and Form I-140 for immigrant petitions combined).

Demand for high-skilled nonimmigrant workers keeps rising. Annual H-1B filings increased by 14.5 percent during this period, reaching 456,724 petitions in FY2025. O filings rose by 68.6 percent, from 5,390 to 9,086, in FY2025 Q4, reflecting increased use of this pathway for high-skilled talent.

Backlogs have increased sharply in recent years. Following several years of reductions, pending Form I-129 petitions grew by 175.6 percent between FY2023 Q2 and FY2025 Q4. In FY2025, of all the high-skilled nonimmigrant visa categories, H-1B petitions experienced the fastest growth in backlogs, nearly doubling, from 66,894 to 124,638, an indication that USCIS was not keeping up with a surge in new petitions.

USCIS has increasingly failed to keep pace with demand. Efficiency ratios for several visa categories fell below 1.0 in recent years, indicating the agency completed fewer petitions than it received and added to existing backlogs. Backlog clearance times also increased across multiple categories in FY2025.

Petitions receiving requests for evidence (RFEs) have become increasingly likely to be approved. Between FY2017 Q1 and FY2025 Q4, approval rates for completed petitions with RFEs increased by 9.1 percentage points for H-1B petitions, 4.5 points for L-1A petitions, and 27.4 points for L-1B petitions.

After declining sharply during the first Trump administration, approval rates have recovered. H-1B approval rates fell from 92.2 percent in FY2017 Q1 to 75.4 percent in FY2019 Q1, then rebounded and remained above 95 percent from FY2020 Q3 through FY2025 Q4. L-1A and L-1B petitions followed similar trends; and O petitions remained comparatively stable. Since FY2017, USCIS approved an average of 452,566 high-skilled nonimmigrant visa petitions per year, supporting hundreds of thousands of high-skilled nonimmigrant workers and their employers.

H-1B petitions generally receive the most favorable adjudication outcomes. In the past decade, H-1B petitions experienced the highest average efficiency ratio (1.03) and approval rate (97.8 percent), along with the lowest rates of completion with RFE (8.5 percent).

L-1 petitions face the greatest adjudicative challenges. Although L-1 petitions had the shortest processing time (3 months) compared with H-1B and O petitions, L-1A and, particularly, L-1B petitions experienced higher rates of requests for evidence (RFEs) and lower approval rates.

Processing delays extend beyond the sponsored workers. H-4 spouses seeking work authorization faced average waits of 6.5 months when applications were filed concurrently with their H-4 petitions, but 16.5 months when filed afterward, matching the processing time of EAD applications by L-2 spouses and delaying labor market participation for many high-skilled immigrants.

Overall, the findings show that although the United States continues to attract high-skilled talent, growing backlogs, declining processing efficiency, and fluctuating adjudication standards create significant uncertainty for employers and workers alike.

Introduction

High-skilled foreign-born workers play a vital role in the U.S. workforce. They contribute to innovation, entrepreneurship, and economic growth, while helping employers—including Microsoft, Meta, Amazon, and Apple—address their specialized needs for talent.[1] In 2023, foreign-born workers represented nearly one-quarter of the science, technology, engineering, and math (STEM) workforce in the country, underscoring their importance to sectors that drive U.S. competitiveness.[2]

While demand for high-skilled workers has been rising,[3] changes in administrative priorities, heightened scrutiny, and staffing constraints have undermined these foreign nationals' access to nonimmigrant work visa categories.[4] These challenges are particularly consequential for employers that depend on high-skilled nonimmigrant workers. Delays and uncertainties can impede hiring decisions, disrupt business operations, and weaken America's ability to attract and retain global talent.

To shed more light on how USCIS processes high-skilled nonimmigrant petitions, the Council analyzed USCIS data for initial Form I-129 petitions associated with H-1B, L-1A, L-1B, and O visa categories, which employers frequently use to sponsor high-skilled nonimmigrant workers. For this report, the Council evaluated petition receipts, completions, backlogs, processing efficiency, requests for evidence (RFEs), and approval outcomes from FY2016 through FY2025 (October 2015 through September 2025) to highlight trends that may affect workers, employers, and policymakers in the years ahead.

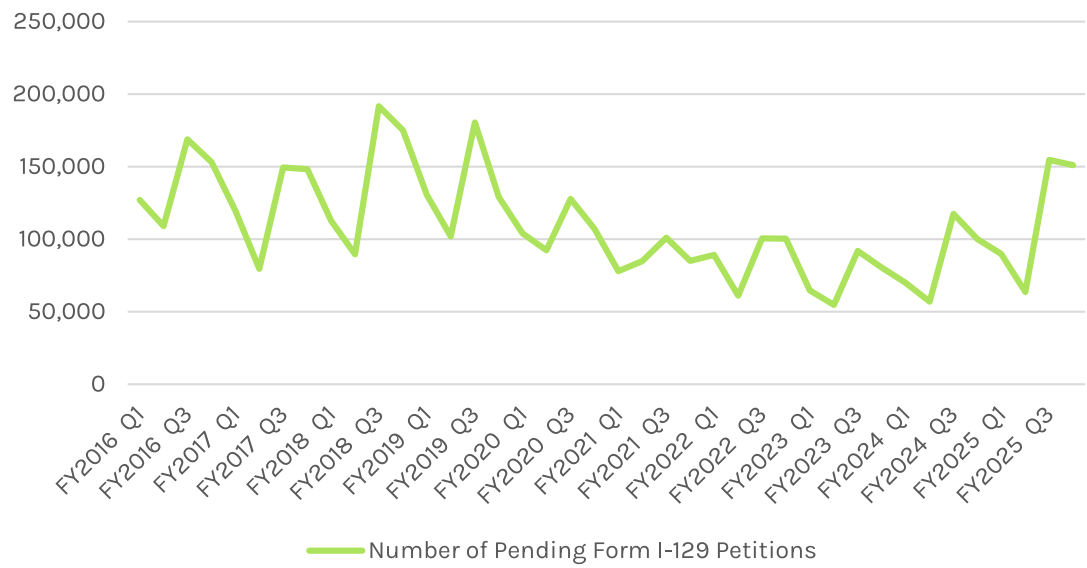
Form I-129 Nonimmigrant Petitions for High-Skilled Workers

Nonimmigrant work visa categories serve as a key pathway for high-skilled foreign nationals to work in the United States. Of all approved employment-based petitions for high-skilled workers filed between FY2016 and FY2025 (Form I-129 and Form I-140, for immigrant petitions, combined), 74.3 percent were Form I-129 petitions for nonimmigrant work visa categories. These categories added more than 445,000 approved high-skilled petitions each year to support employers' needs.

Even so, processing barriers have undermined access to these visa categories. Since FY2016, total visa processing backlogs have risen substantially, although trends vary among visa categories. While pending petitions generally increased, pending Form I-129 petitions peaked at 191,578 in FY2018 Q3 before falling to a low of 54,748 in FY2023 Q2. As the I-129 backlog decreased, several policy changes led to variations in how USCIS processed I-129 petitions. For example, in 2020, USCIS lengthened the form, adding additional questions.[5] Requests for Evidence, which generally lengthen the processing time for a petition, were issued at higher rates for certain high-skilled visa categories compared with others. These additional administrative requirements can increase the workload associated with each petition, contributing to longer processing times and larger backlogs.

The number of pending Form I-129 petitions reached its lowest point in FY2023 Q2 and rose substantially since, increasing by 175.6 percent, to 150,876, by Q4 2025.

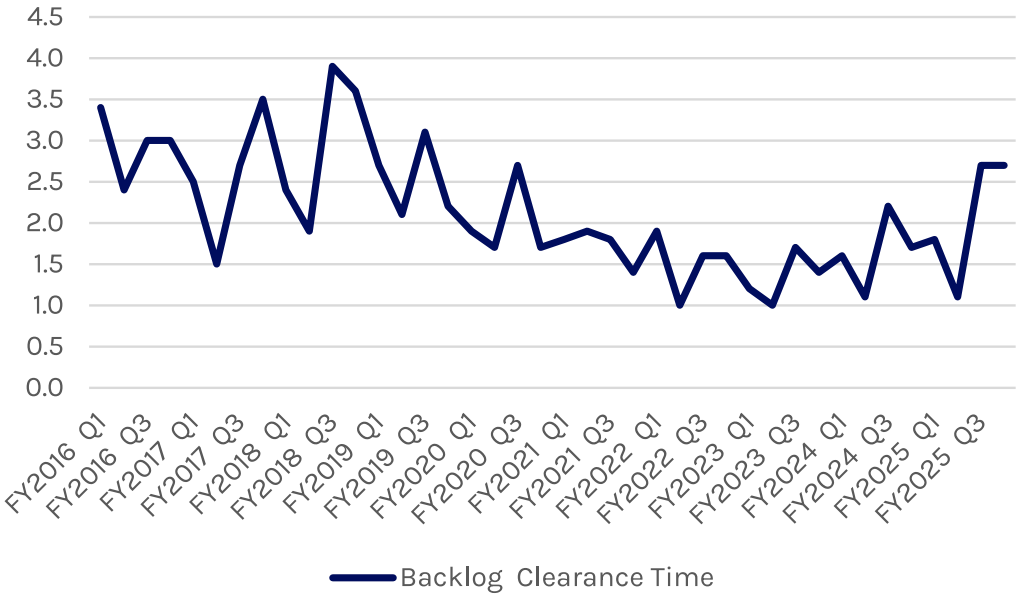
FIGURE 1: NUMBER OF PENDING FORM I-129 PETITIONS



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

The number of months it would take USCIS to clear the Form I-129 backlog at the agency's processing capacity for each quarter—or its "backlog clearance time"—peaked at 3.9 months in FY2018 Q3, when there was an increase in pending petitions. The backlog clearance time fell to 1.0 month, its lowest level, in FY2023 Q2. More recently, however, I-129 backlog clearance times increased from 1.8 months in FY2025 Q1 to 2.7 months in FY2025 Q4, indicating growing strain on processing capacities.

FIGURE 2. BACKLOG CLEARANCE TIME (IN MONTHS) FOR FORM I-129



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

In addition to using Form I-129 in several visa categories for temporary and seasonal workers, employers can also use Form I-129 to sponsor high-skilled nonimmigrant workers using the H-1B, L-1A, L-1B, and O visa categories. From FY2016 through FY2025, USCIS received an average of 480,000 initial petitions per year for high-skilled nonimmigrant work visa categories through Form I-129. These high-skilled nonimmigrant petitions accounted for 81.7 percent of all I-129 petitions filed during this period.

Overview of High-Skilled Nonimmigrant Work Visa Categories

H-1B Category

The H-1B visa category allows U.S. employers to hire foreign professionals for specialty occupations that require a bachelor's degree or the equivalent combination of education and experience or experience alone. Since creating the category in 1990, Congress has limited the number of new H-1B visas available each fiscal year for most private and nonprofit employers. U.S. colleges and universities that qualify as an "institution of higher education" and certain nonprofit and governmental research organizations are generally exempt from the H-1B cap.[6] Although the H-1B cap reached 195,000 visas per year in the early 2000s, it has remained at 85,000 annual visas since 2006, including 20,000 reserved for workers who have earned a master's degree or higher from a U.S. institution.[7]

H-1B beneficiaries are generally highly educated and concentrated in technical and professional occupations. In FY2025, USCIS approved 114,806 H-1B petitions for initial employment.[8] More than half of beneficiaries, 57.4 percent, had a master's or a professional degree; 28.4 percent had a bachelor's degree, while another 14 percent held a doctorate. Computer-related occupations made up 46 percent of approved petitions, followed by occupations in architecture, engineering, and surveying (11.5 percent) and in medicine and health (8.4 percent). Beneficiaries were also concentrated by country of birth, with half born in India (50.3 percent) and 15.4 percent born in China.[9]

Demand for the H-1B visa regularly surpasses the annual cap. As a result, USCIS uses an electronic registration and lottery system, now randomly selected by beneficiary and weighted by prevailing wage, that determines which employers may submit full petitions.[10] The initial validity period for H-1B status has a three year maximum, but it can be extended for a maximum of six years (with exceptions for H-1B workers who have reached certain stages in the green card process).[11]

The H-1B program also provides opportunities for accompanying family members. Spouses and unmarried children under age 21 may obtain H-4 status.[12] Since 2015, H-4 spouses of H-1B workers who are at certain stages in the green card process may apply for work authorization through Form I-765.[13]

In FY2025, USCIS received 29,960 Employment Authorization Document (EAD) applications for spouses in H-4 status and approved 95.1 percent (25,193). H-4 nonimmigrants may also change their status, affording them the opportunity for additional employment or

education. In 2023, 71 percent of H-4 nonimmigrants changed their status to H-1B, with an additional 17.1 percent becoming F-1 students, demonstrating the utility of H-4 as a potential alternative pathway for high-skilled workers.[14]

L-1A and L-1B Categories

The L-1 visa category is used for intracompany transfers, allowing multinational employers to transfer workers from an office abroad to affiliated operations in the United States. The L-1A is for executives and managers; the L-1B is for employees with specialized knowledge.[15] Unlike the H-1B category, the L-1 is not subject to an annual cap or to a lottery.

Large multinational firms frequently use the L-1 category to transfer highly skilled workers. These workers are concentrated in professional and technical industries. Computer programming, systems design, and related services accounted for 37.5 percent of L-1A approvals and 20.7 percent of L-1B approvals for initial employment. Engineering was the second largest industry, accounting for 8.9 percent of L-1B approvals for initial employment and 3.5 percent of L-1As.[16]

The occupational data for these two categories reflect their distinct purposes. In FY2019, executives and managers accounted for 92.7 percent of initial L-1A approvals, while management support workers (24.7 percent), science technicians (18.0 percent), and mathematicians (9.9 percent) were among the largest L-1B occupational groups.[17]

The spouses and unmarried children (under age 21) of L-1 workers may accompany principal beneficiaries through the L-2 visa category.[18] Spouses with L-2 status are authorized to work in the United States, giving them greater labor market flexibility than some other nonimmigrant categories.

O Category

The O visa category is designed for individuals with extraordinary ability or achievement and eligibility is narrower than that of L-1 and H-1B. Employers may sponsor foreign nationals in three O categories: O-1A, O-1B, and O-2.[19]

The O-1A category is for foreign nationals with extraordinary ability in fields such as science, business, and education. The O-1B category is for those with extraordinary ability in arts and entertainment.[20] The O-2 visa category is for foreign nationals who possess the critical skills and experience needed to support workers with O-1 status. While the O visa categories are not subject to an annual cap, the petitioning employer must demonstrate that the foreign national meets a high evidentiary standard, showing major accomplishments or recognition in their field.

In particular, employers have used the O-1A category to recruit researchers, scientists,

entrepreneurs, and other highly accomplished professionals. Between FY2018 and FY2023, O-1A petitions accounted for almost one-third (32.1 percent) of all O petitions received by USCIS. In FY2023, O-1A petitions comprised 35.9 percent of O petitions USCIS approved.[21]

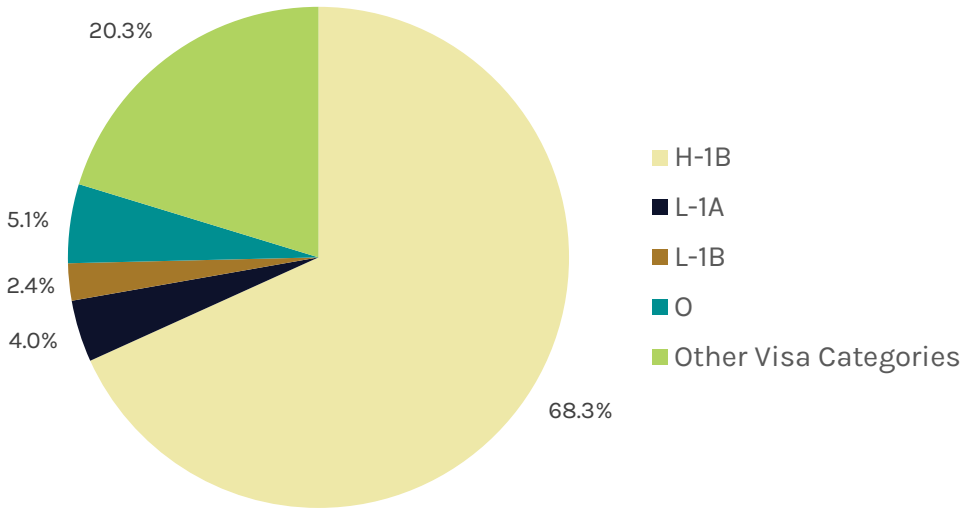
O-1A petitions have become increasingly important for STEM talent. Between FY2018 and FY2023, the number of approved O-1A petitions increased by 97.3 percent, while the number of approvals in STEM-related fields increased by 114.1 percent. In FY2023, experts within the STEM sector accounted for 48.1 percent of all O-1A approvals.[22]

Spouses and unmarried children (under age 21) of O-1 or O-2 principal beneficiaries may accompany their beneficiary with an O-3 status, but O-3 dependents generally are not authorized to work in the United States.[23]

The State of High-Skilled Nonimmigrant Petitions in FY2025

Among nonimmigrant work visa categories, H-1B is the most common, accounting for 68.3 percent of the 668,446 initial Form I-129 petitions for nonimmigrant workers filed in FY2025. The O category made up 5.1 percent of those petitions, followed by L-1A at 4.0 percent and

FIGURE 3: SHARE OF FORM I-129 PETITIONS RECEIVED IN FY2025



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

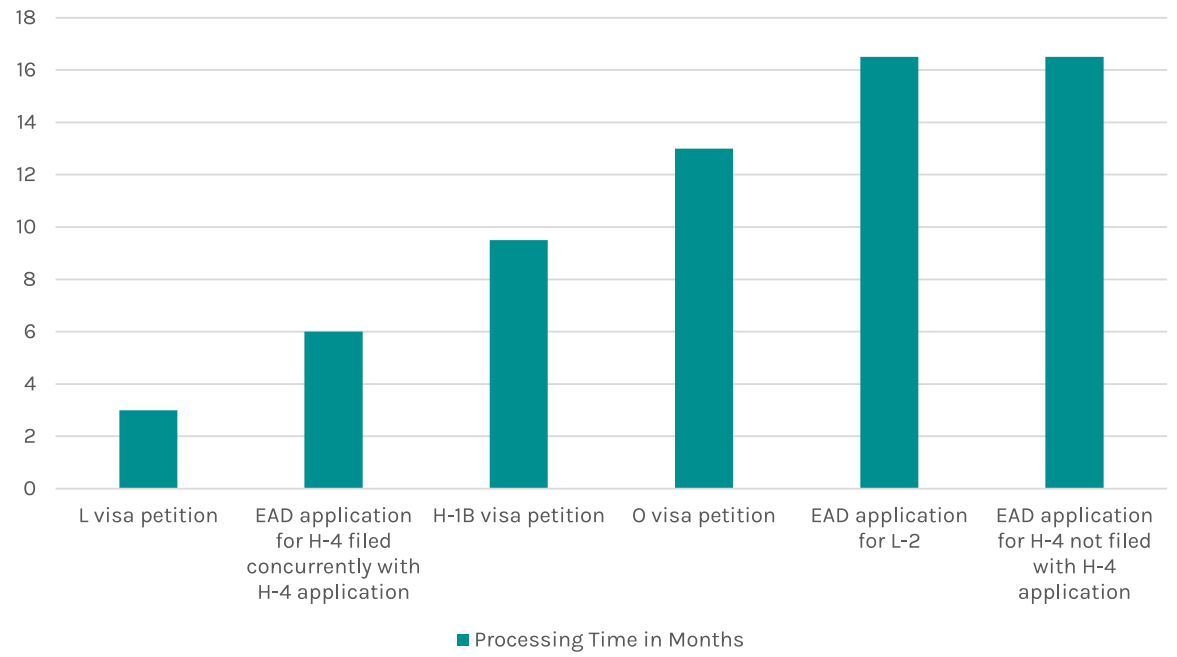
L-1B at 2.4 percent.[24]

Processing Time and Premium Processing[25]

Among the high-skilled nonimmigrant categories analyzed, the processing time was shortest for the L-1 visa category, with USCIS completing 80 percent of petitions within three months.[26] By comparison, processing time for H-1B visa petitions was more than triple that, at 9.5 months, and for O visa petitions it was more than quadrupled that, at 13 months.

H-4 EAD applications had a processing time of six months when filed alongside the applications for H-4 status. When filed after, the processing time more than doubled—

FIGURE 4: PROCESSING TIME (IN MONTHS) IN FY2025



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

reaching 16.5 months, the same as the processing time for the EAD application for L-2 spouses.[27]

Employers that file a Form I-129 for a nonimmigrant worker may request premium processing (Form I-907), which can reduce wait times.[28] They may request premium processing with their petition (concurrent) or after filing form I-129 (upgrade).[29] Category-specific premium processing data is unavailable; however, USCIS provides premium processing information for Form I-129 overall. In FY2025, more than half of Form I-129

petitions (51.7 percent) were filed with requests for premium processing. The majority (85.7 percent) were filed concurrently with I-129 petitions. Only 14.3 percent requested upgrades.

Efficiency, Pending Petitions, and Backlog Clearance Time

The Council uses data on completions and receipts to calculate efficiency ratios. In FY2025, the H-1B, L-1, and O visa categories had, on average, slightly lower efficiency ratios than Form I-129 overall, at 1.10. An efficiency ratio of 1.0 indicates that USCIS completed as many cases as it received. Ratios above 1.0 indicate that USCIS reduced backlogs by completing more cases than it received, while ratios below 1.0 increase backlogs. H-1B petitions had the highest level of efficiency, averaging 1.03 across all quarters. L-1Bs had the lowest level of efficiency, averaging 0.90 across all quarters. Low levels of efficiency can compound backlogs, increasing the number of pending petitions.

The efficiency ratio of H-1B petitions plunged from 1.28 to 0.54 between Q2 and Q3. This was

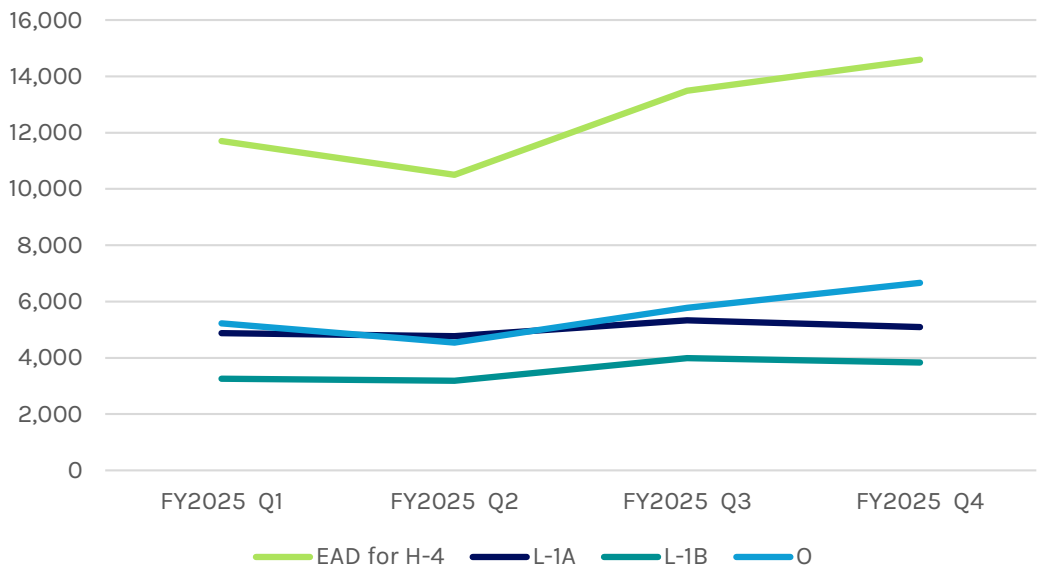
FIGURE 5: H-1B VISA PETITIONS IN FY2025

Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

largely driven by the surge in new petitions, from 81,948 in Q2 to 200,687 in Q3, when USCIS began accepting cap-subject H-1B petitions. However, completions stayed slightly above 100,000 petitions, adding many new petitions to the backlog.

Meanwhile, the backlog averaged around 5,500 for O petitions, 5,000 for L-1A petitions, 3,500

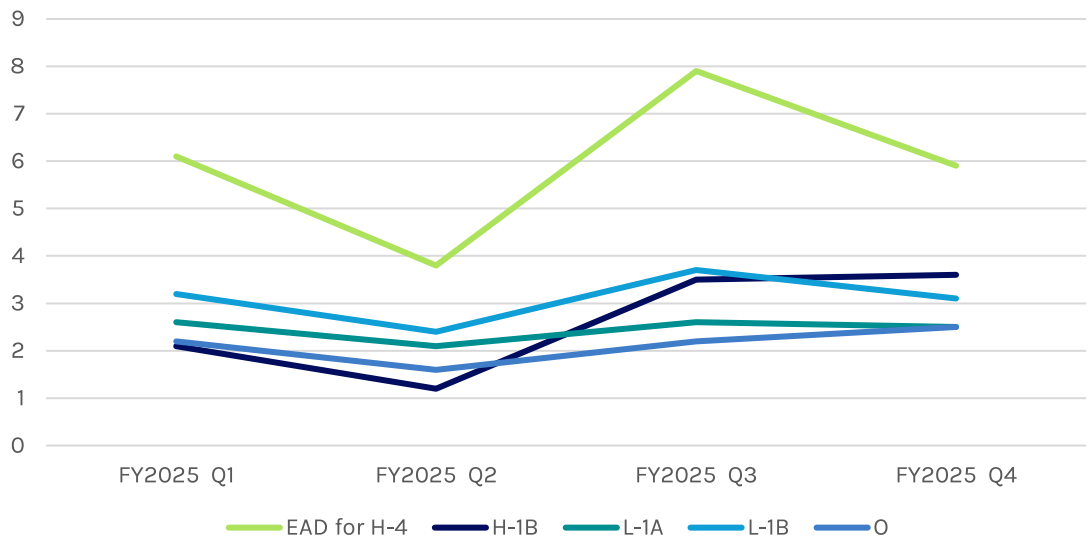
FIGURE 6: PENDING PETITIONS AND APPLICATIONS IN FY2025



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

for L-1B petitions, and 12,600 for EAD applications for H-4 spouses across all four quarters of FY2025. Among these categories, O petitions saw the fastest backlog growth, at 27.5 percent, between Q1 and Q4, followed by EAD applications for H-4 spouses, at 24.7 percent.

FIGURE 7: BACKLOG CLEARANCE TIME (IN MONTHS) IN FY2025



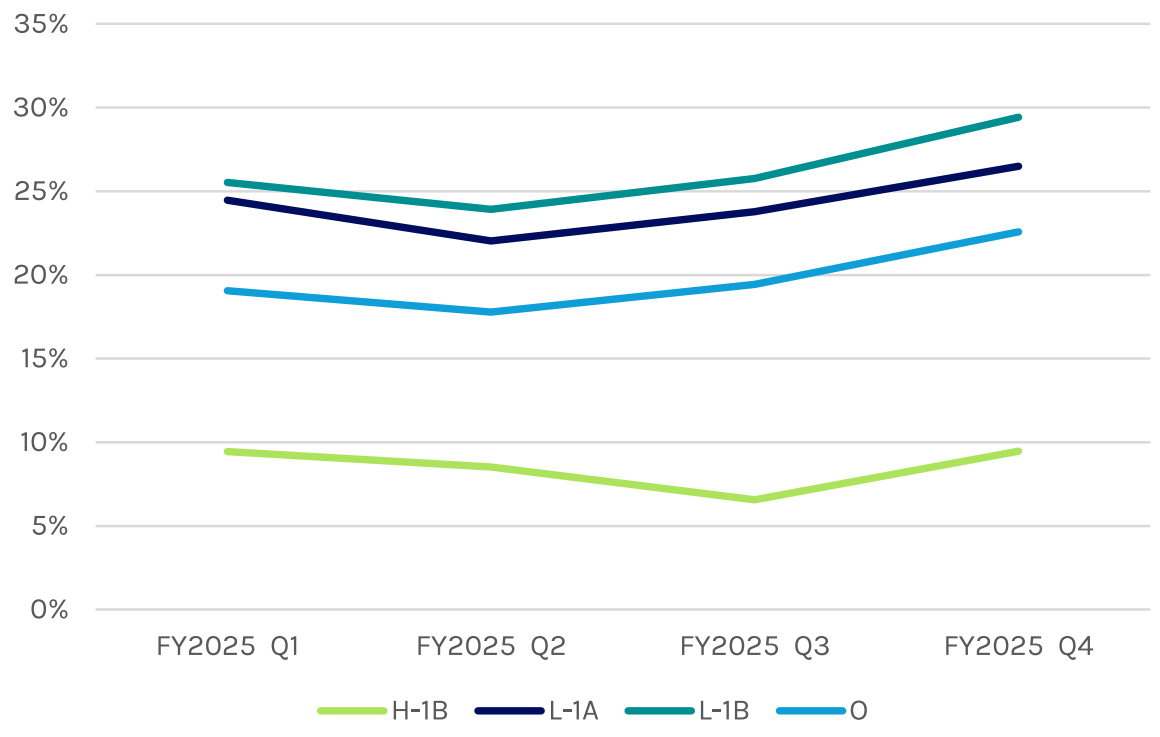
Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

O petitions had the shortest average backlog clearance time, at 2.2 months, followed by L-1B, at 3.1 months. EAD for H-4 had the longest, at 5.9 months. L-1A had the least volatility in its backlog clearance time, varying from a minimum of 2.1 to a maximum of 2.6 months.

Requests for Evidence (RFE) and Approval Rates

Completions with RFE occur when USCIS completes a petition after issuing an RFE, which asks the petitioner to provide additional documentation. Completions with RFE may occur because the petitioner did not provide all required documentation and evidence with their initial submission or because USCIS determined, although not always correctly, that there was insufficient evidence to decide that the requirements, for the classification had been met.[30]

FIGURE 8: SHARE OF ALL COMPLETIONS WITH RFES IN FY2025



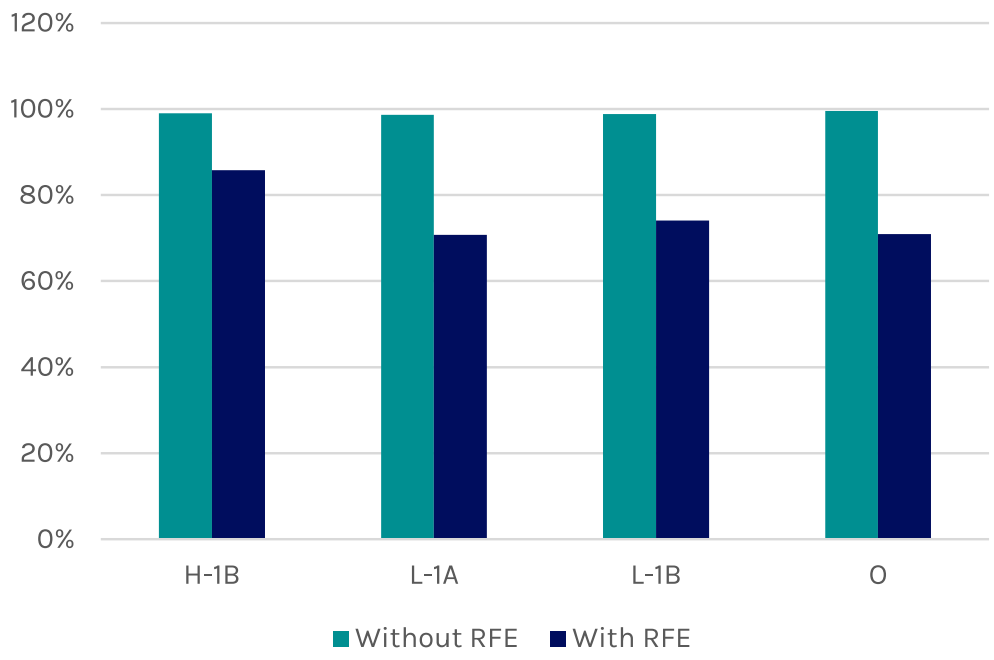
Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

In FY2025, H-1Bs had the lowest rates of completions with RFE—averaging 8.5 percent of all completions. L-1Bs had the highest rate, on average, (26.2 percent) and the largest increase between Q1 and Q4, from 25.5 percent to 29.4 percent.

Approval Rates for Petitions with RFE

In FY2025, approval rates for petitions with RFEs were much lower than those for petitions without RFEs. The difference was most pronounced in the O category, where an average of 71 percent of petitions with RFEs were approved compared with 99.5 percent without RFEs.

FIGURE 9. AVERAGE OVERALL APPROVAL RATE IN FY2025



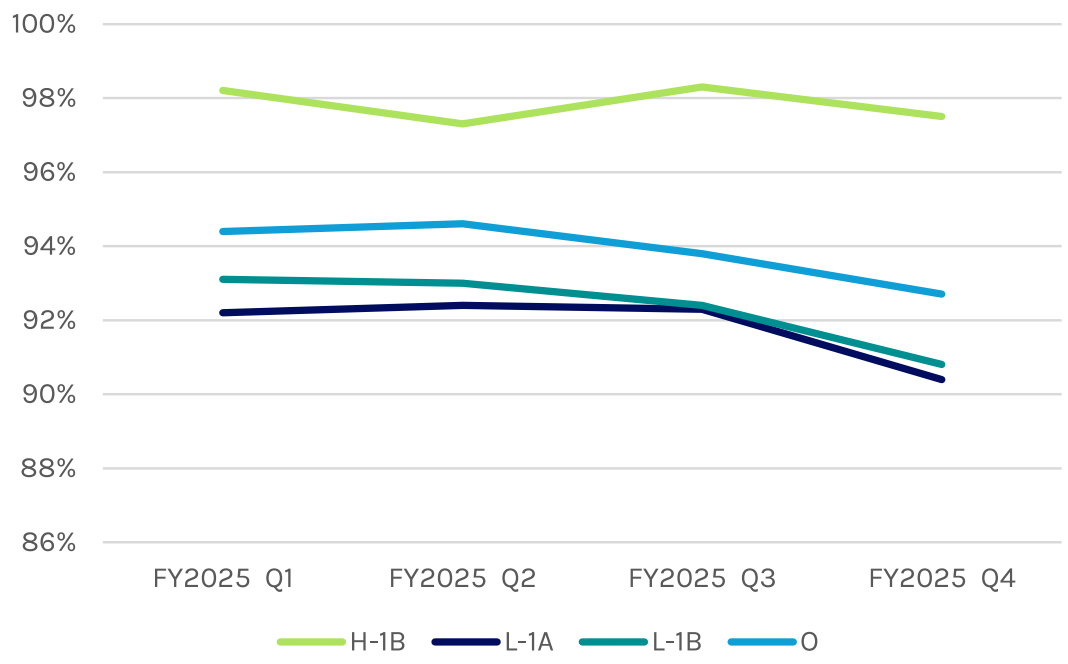
Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

Overall Approval Rates

Among the categories analyzed, H-1B had the highest overall approval rate in every quarter of FY2025, averaging 97.8 percent, and L-1A had the lowest approval rates, averaging 91.8 percent. The average approval rates for O were 93.9 percent and for L-1B were 92.3 percent.

All forms saw their approval rates slightly decrease between Q1 and Q4. L-1B experienced the biggest drop, from 93.1 percent to 90.8 percent, while H-1B saw the smallest decrease, from 98.2 percent to 97.5 percent.

FIGURE 10: OVERALL APPROVAL RATE ACROSS QUARTERS IN FY2025



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

Processing Trends in High-Skilled Nonimmigrant Petitions from FY2016 through FY2025

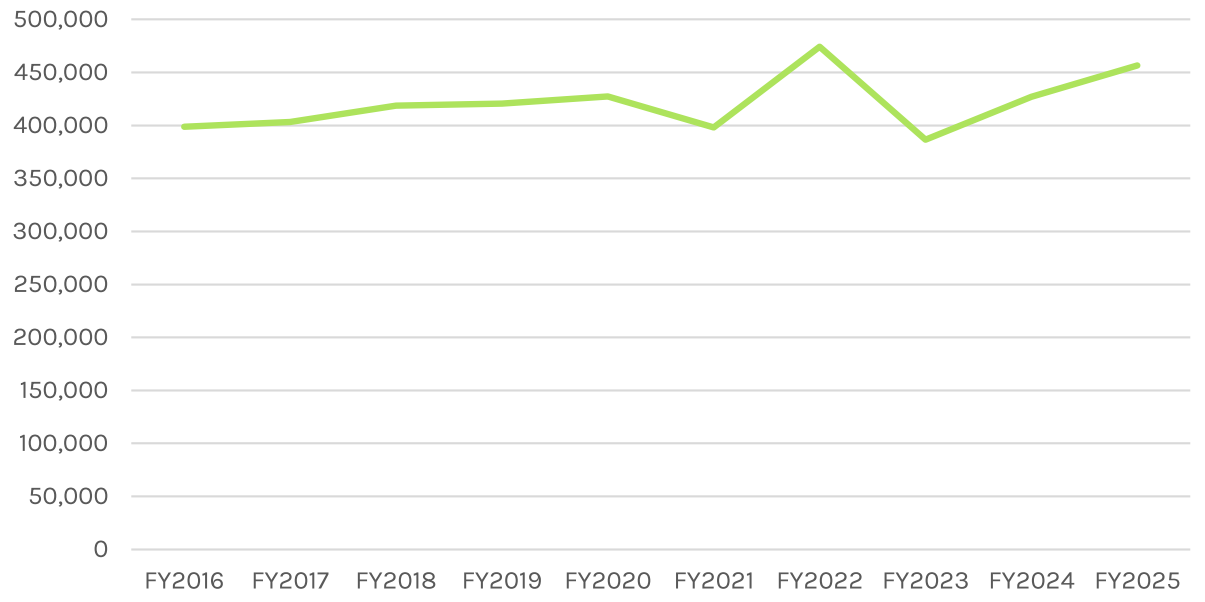
New Filings and Backlogs

Initial H-1B petitions experienced the most pronounced cyclical fluctuations between quarters, with substantial spikes in Q3 and relatively stable numbers in Q1, Q2, and Q4. These fluctuations stem from the nature of the H-1B processing structure and the annual H-1B cap: USCIS begins accepting cap-subject petitions in April, which is the beginning of the third quarter in a fiscal year.[31]

Adding up the quarterly new filings, the annual number of H-1B petitions remained relatively stable between FY2016 and FY2020, increasing gradually from 398,789 petitions in FY2016 to a pre-pandemic high of 427,288 in FY2020. Petitions then declined to 398,284 in FY2021, which may reflect disruptions associated with restrictions initiated under the Trump Administration, the COVID-19 pandemic, and related labor market uncertainty.[32] Demand rebounded sharply in FY2022, reaching a record 474,319 petitions, before dropping to 386,597 in FY2023. Filing volumes recovered again in the subsequent years, rising to 427,109 H-1B petitions in FY2024 and 456,724 in FY2025.

Overall, despite year-to-year fluctuations, H-1B petitions increased by 14.5 percent between FY2016 and FY2025, indicating growing demand for high-skilled nonimmigrant workers.

FIGURE 11: H-1B PETITIONS RECEIVED

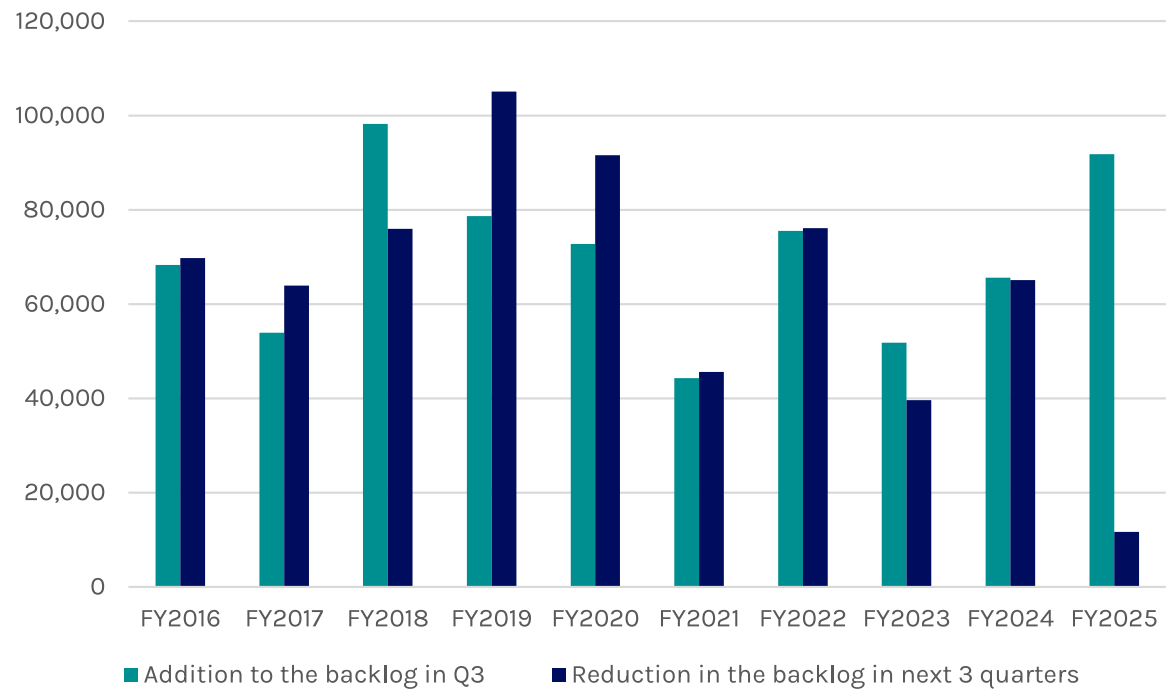


Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

The number of H-1B petitions received between FY2016 and FY2025 fluctuated 44.6 percent from the quarterly average of 105,286. H-1B completions, on the other hand, experienced relative stability, varying only 14.9 percent from the quarterly average of 104,884. This suggests that USCIS did not alter its processing capacity to match spikes in petitions received.

Exploring the quarterly fluctuations in receipts and completions offers critical insight into processing trends. Other than in FY2018 and FY2023, the build-up in backlogs in the third quarter was mostly reduced in the following three quarters. In FY2024, for example, the addition to the backlog of 65,608 petitions in Q3 was almost made up for by the reduction in the backlog of 65,053 over the subsequent quarters. These trends may indicate a growing strain on USCIS processing as the agency tries to keep up with the rising demand for H-1B workers.

FIGURE 12. CHANGE IN H-1B BACKLOG



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

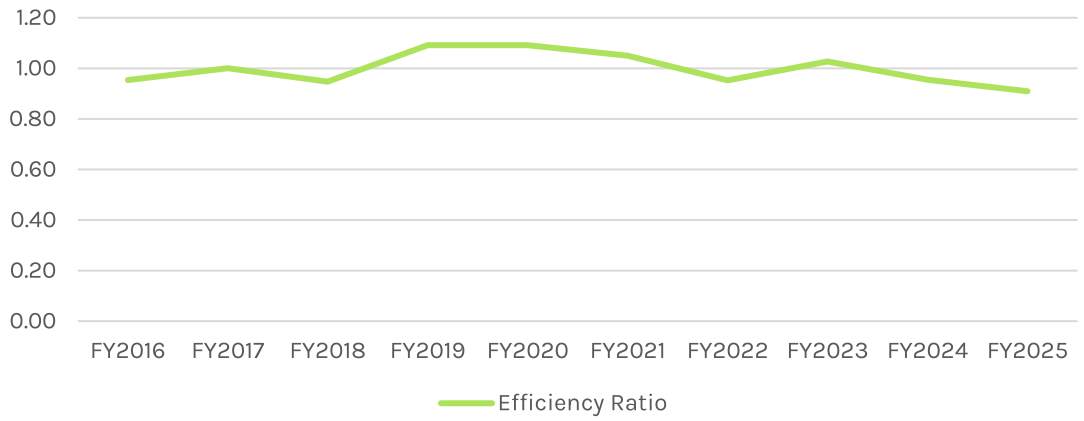
Of the other high-skilled nonimmigrant categories, the O category experienced the biggest increase in new filings, growing 68.6 percent, from 5,390 in FY2016 Q1 to 9,086 in FY2025 Q4. However, its completions did not keep pace, rising only 53.9 percent during this period, from 5,297 to 8,154, and adding to the pending petitions. New filings and completions for L-1B increased 15.7 percent and 14.4 percent between FY2017 Q1 and FY2025 Q4, respectively, while L-1A saw a drop of 9.6 percent for new petitions received and 8.3 percent in petitions completed during the same period.

Efficiency Ratios

Efficiency ratios of initial H-1B petitions fluctuated in the decade ending in FY2025, falling below 1.00 in five of the 10 fiscal years. An efficiency ratio below 1.00 indicates that incoming filings exceed completions. In those years, USCIS completed fewer H-1B petitions than it received, contributing to a growth of backlogs.

Efficiency ratios dropped to 0.95 in FY2018, the first full fiscal year of the first Trump administration, before reaching a high of 1.09 in both FY2019 and FY2020, suggesting that USCIS was chipping away at existing backlogs. After FY2021, which spanned the transition between the Trump and Biden administrations, efficiency ratios fell below 1.00 in three of the four following fiscal years, reaching a decade low of 0.91 in FY2025. The decrease in efficiency was driven by higher than average numbers of new petitions alongside lower than average completion rates.

FIGURE 13: EFFICIENCY RATIO OF INITIAL H-1B PETITIONS

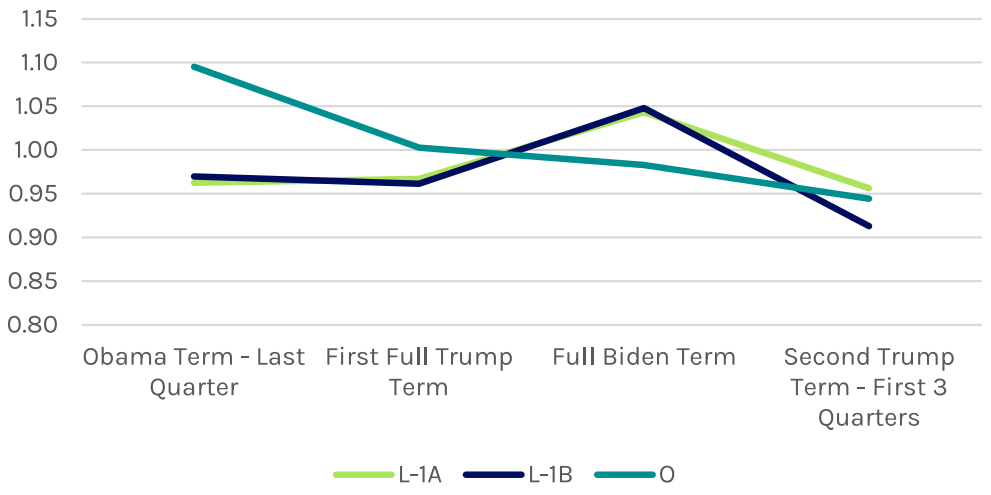


Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

Efficiency ratios for L-1A, L-1B, and O petitions varied across presidential administrations. During the Biden administration (FY2021 Q2 through FY2025 Q1), USCIS generally processed L-1 petitions more efficiently—exceeding 1.00 for both L-1A and L-1B—than in the preceding period under the first Trump term (FY2017 Q2 through FY2021 Q1). Efficiency then declined during the first three quarters of the second Trump administration, particularly for L-1B petitions, where the average efficiency ratio fell to 0.91.

USCIS efficiency in processing O petitions trended downward, decreasing from 1.10 during the last quarter of the Obama administration to 0.94 during the first three quarters of the second Trump term. Overall, the data suggest that the willingness or ability of USCIS to keep pace with incoming petitions in recent years has weakened for these three major employment-based nonimmigrant visa categories.

FIGURE 14: AVERAGE EFFICIENCY RATIOS ACROSS PRESIDENTIAL ADMINISTRATIONS



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

Completions with RFEs and Approval Rates

The share of completed petitions that had a RFE increased substantially across most high-skilled nonimmigrant worker visa categories during the first Trump administration, peaking between FY2019 and FY2021.

H-1B petitions experienced the sharpest increase in requests for evidence, with RFE rates rising from 18.1 percent in FY2017 Q2, the first quarter of the Trump administration, to as high as 60 percent in FY2019 Q1, Trump's eighth quarter, before steadily declining to below 10 percent in Q2 FY2024, during the last year of the Biden administration.

Similar changes in RFE rates occurred among L-1 petitions, which peaked at about 60 percent requiring RFEs in FY2021 Q1, compared with 27.4 percent of the L-1A petitions and 34.9 percent of the L-1B petitions in FY2017 Q1.

The O visa category experienced the least variation in the number and share of completions with RFEs. From FY2016 through FY2025, the share of completions with RFEs fluctuated by 18.4 percent relative to its average of 23.5 percent.

FIGURE 15: SHARE OF COMPLETED PETITIONS THAT REQUIRED RFES

Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

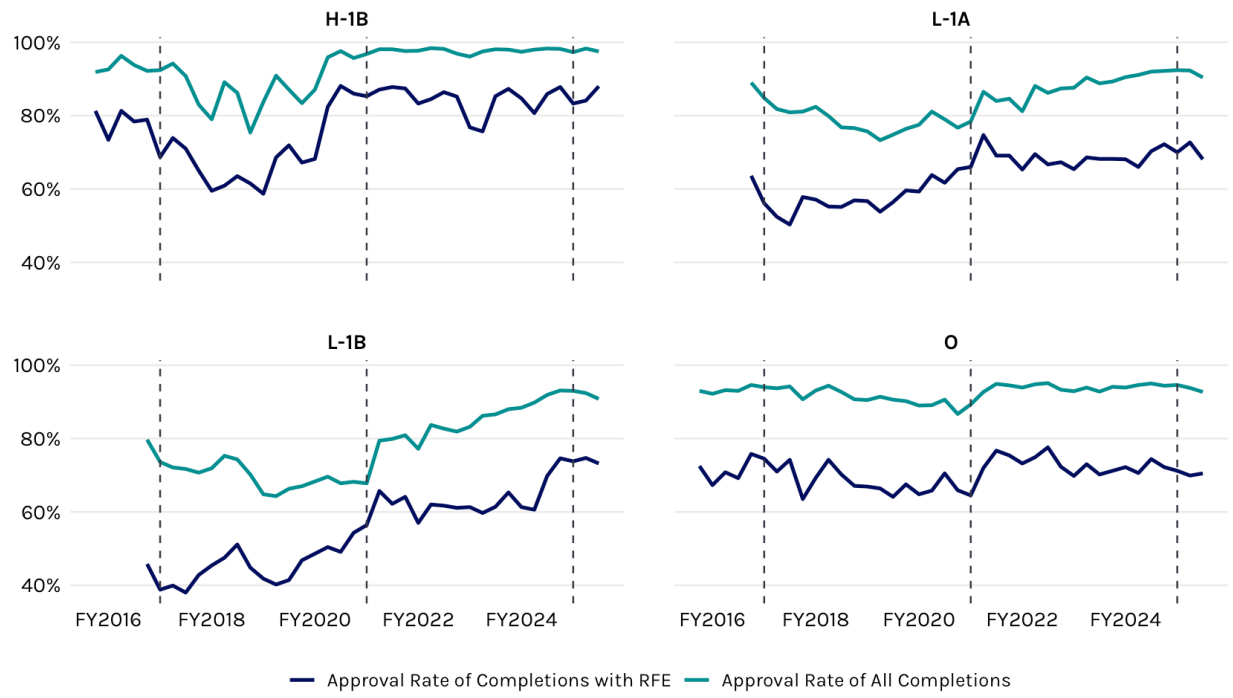
Among completed petitions that received RFEs, H-1B petitions had the highest average approval rate (77.8 percent), followed by O petitions (70.7 percent), L-1A petitions (63.5 percent), and L-1B (55.4 percent) between FY2017 Q1, the first quarter for which data is available for all four visa categories, and FY2025 Q4. This means completed H-1B petitions with RFEs were about 40 percent more likely to be approved than completed L-1B petitions with RFEs.

Between FY2017 Q1 and FY2025 Q4, approval rates for completed petitions requiring RFEs increased most sharply for L-1B petitions, rising from 45.8 percent to 73.2 percent, an increase of 27.4 percentage points. During this period, H-1B petition approval rates increased from 78.9 percent to 88.0 percent, while L-1A petition approval rates rose from 63.6 percent to 68.1 percent. In contrast, approval rates for O petitions declined slightly, from 75.8 percent to 70.5 percent over the same time period. However, O petitions had the lowest within-quarter variation, suggesting more stability and consistency in approvals.

These trends suggest that although RFEs remained a common feature of adjudications for many high-skilled nonimmigrant petitions, the petitions that received RFEs became increasingly likely to be approved over time, particularly in the H-1B and L-1 categories.

Approval rates with RFE were generally lower than the total approval rate, and there were stark differences in total approval rates among nonimmigrant visa categories across presidential administrations.

FIGURE 16: APPROVAL RATES OF ALL COMPLETIONS AND COMPLETIONS WITH RFE



Source: American Immigration Council analysis of USCIS Immigration and Citizenship Data

Note: Dashed lines indicate changes in presidential administrations

Across all the years analyzed, average approval rates were highest among H-1B petitions (93.3 percent) and O petitions (92.7 percent). L-1B petitions had the lowest average approval rate, at 78.1 percent, much lower than the rate for L-1A at 83.9 percent.

Looking at this period—FY2016 to FY2025—H-1B petitions experienced a notable decline during the first Trump administration, with approval rates falling from 92.2 percent in FY2017 Q1 to a low of 75.4 percent in FY2019 Q1 before rebounding sharply and remaining above 95 percent for most of the following quarters. L-1 petitions saw a similar pattern, with approval rates dropping during the first Trump administration and recovering during the Biden term.

L-1B petition approval rates experienced the greatest volatility during this period. The approval rate peaked at 93.1 percent in FY2025 Q1, the last quarter of the Biden administration, and FY2025 Q2, the first quarter of the second Trump term. Despite those recent gains, L-1B petition approval rates were below 80 percent in 18 of 36 quarters analyzed, including nine quarters when fewer than 70 percent of the petitions were approved (at their lowest hitting 64.3 percent in Q3 2019), underscoring the heightened scrutiny that characterized much of the late 2010s and early 2020s.

Approval rates in FY2025 Q4 represented increases of 5.3 percentage points for H-1B petitions, 1.4 points for L-1A petitions, and 11.1 points for L-1B petitions over FY2017 Q1, while O petition approval rates declined slightly, by 1.9 percentage points.

Conclusion

High-skilled nonimmigrant visa categories, including H-1B, L-1A, L-1B, and O, are critical to the U.S. economy and the country's ability to attract and retain global talent. The Council's analysis of USCIS filing and processing data from FY2016 through FY2025 shows that demand for these visa categories remained strong, particularly for H-1B workers, even as processing strains, backlogs, clearance times, and efficiency appeared to worsen in several categories.

The analysis reveals notable differences across visa categories and presidential administrations. H-1B petitions generally had the highest approval rates and lowest rates of RFEs, although approval rates fell sharply during the first Trump administration before rebounding under the Biden administration, highlighting the significant impact of administrative policies and priorities on immigration outcomes. L-1A and, especially, L-1B petitions faced greater adjudicative challenges, including higher RFE rates, lower approval rates, and more volatility in processing outcomes. O petitions exhibited greater stability in approval rates, but, like other high-skilled nonimmigrant petitions, experienced signs of growing processing strain in recent years.

The findings also suggest that USCIS' ability to keep pace with incoming filings has weakened since the pandemic. Efficiency ratios fell below 1.00 in several recent years across the high-skilled nonimmigrant visa categories, indicating that completions were not consistently keeping pace with new filings. As a result, backlogs and backlog clearance

times have increased, raising the likelihood of longer waits and greater uncertainty for employers and workers relying on these pathways.

Recent policy changes may further affect the accessibility of high-skilled nonimmigrant visa categories. In September 2025, the U.S. Department of Labor launched "Project Firewall," an H-1B enforcement initiative focused on penalties, back wages, and potential debarment from future use of the H-1B program.[33] That same month, President Trump issued a proclamation restricting the entry of certain H-1B workers unless the petition was accompanied by a $100,000 payment, subject to limited exceptions.[34] Previously, each petition cost employers between $2,000 and $5,000, depending on the firm's size.[35] These measures may discourage H-1B participation, with broader implications for USCIS operations. Because the agency relies heavily on processing fees to fund its activities, declines in petition volumes are likely to affect its processing capacity.[36]

Travel restrictions and state-level immigration actions add further barriers. In 2026, the Department of State announced full or partial visa issuance suspensions for nationals of 39 countries.[37] Although a federal court later blocked related USCIS policies affecting immigration benefits for noncitizens from those countries,[38] the effects of these adjudication pauses will take time to fully realize. Additional policy changes, including expanded biometric screening requirements and a growing use of artificial intelligence in visa petition processing, could further alter processing patterns and RFEs.[39] Meanwhile, states such as Texas, Florida, and Iowa have pursued state-level immigration enforcement measures or employment-related restrictions that contribute to a more restrictive immigration climate.[40]

The findings in this report underscore the importance of a stable, efficient, and adequately resourced immigration system. For employers seeking specialized talent and workers pursuing opportunities in the United States, predictable adjudication practices and timely processing remain essential to maintaining the nation's economic competitiveness.

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