

STEM-Related Petition Trends: EB-2 and O-1A Categories FY 2018 - FY 2023



U.S. Citizenship
and Immigration
Services

Overview

In January 2022, U.S. Citizenship and Immigration Services (USCIS) updated its policy guidance to clarify how certain professionals in the fields of science, technology, engineering, and mathematics (STEM) can demonstrate eligibility for (a) the National Interest Waiver (NIW) in an employment-based immigrant status (EB-2), and (b) nonimmigrant status for individuals of extraordinary ability (O-1A). This fact sheet highlights data trends in these categories during Fiscal Year (FY) 2022 and FY 2023 compared with fiscal years prior to the policy guidance change. These trends include an increase in receipts of EB-2 petitions from FY 2022 to FY 2023 and increases in National Interest Waiver use and O-1A petition receipts.

Updated policy guidance

Certain noncitizens with an advanced degree or exceptional ability may self-petition for the EB-2 employment-based immigrant visa classification using [Form I-140](#). Those seeking the NIW are requesting that the requirement to secure a job offer, and thus the requirement to obtain labor certification issued by the Department of Labor (DOL), be waived in the interest of the United States. USCIS determines if providing a waiver is in the national interest.

[Updated policy guidance](#) clarifies how STEM professionals and entrepreneurs can demonstrate eligibility for this NIW, along with the significance of letters from governmental and quasi-governmental entities.

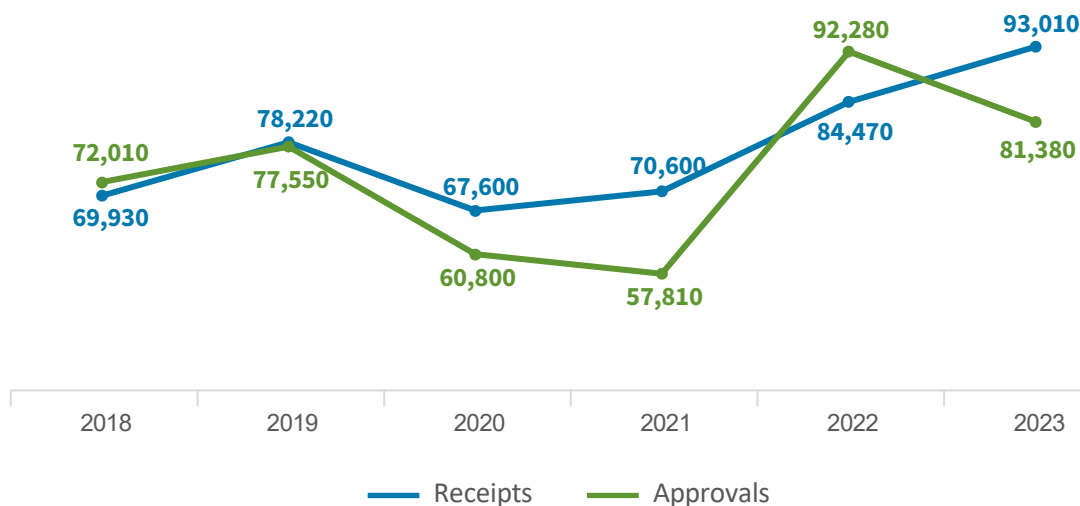
In addition, individuals of extraordinary ability in the sciences, education, business, or athletics may be eligible for O-1A nonimmigrant (temporary) status. [Updated policy guidance](#) clarifies how USCIS evaluates evidence to determine eligibility for O-1A nonimmigrants in STEM fields. Those seeking O-1A classification must have an employer or agent file [Form I-129](#).

USCIS has published additional resources on options for [noncitizen STEM professionals](#) and [noncitizen entrepreneurs](#) to work in the United States.

EB-2 receipts increased following the policy guidance change

From FY 2021 to FY 2022, total receipts of Form I-140 with and without waivers (combined) increased by 20 percent, from 70,600 to 84,470 (see Figure 1). Receipts continued to increase by another 10 percent from FY 2022 to FY 2023. Approvals increased by 60 percent from 57,810 in FY 2021 to 92,280 in FY 2022, but decreased about 12 percent from 92,280 in FY 2022 to 81,380 in FY 2023. The approval rate remained at 90 percent or above throughout FY 2018 - FY 2023 (see Table 1).

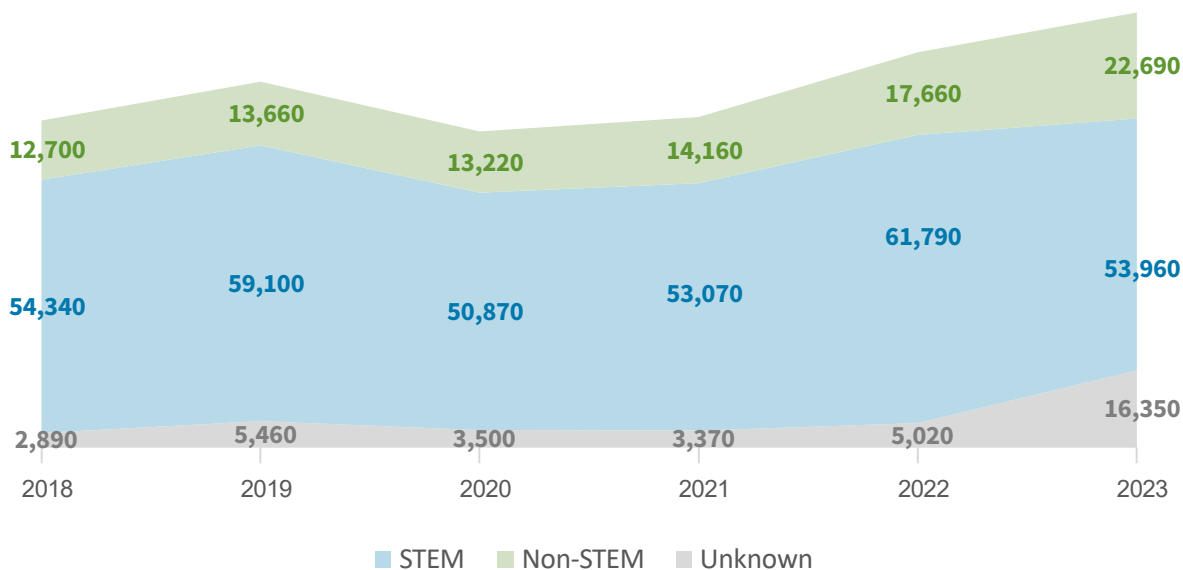
**Figure 1. Form I-140 Category EB-2: Total Petitions Received and Approved
(FY 2018 - FY 2023)**



EB-2 receipts increased overall, although receipts in the STEM category decreased¹

Total receipts in STEM job categories decreased by almost 13 percent, from 61,790 in FY 2022 to 53,960 in FY 2023 (see Figure 2). Receipts in non-STEM job categories increased by 28 percent during that time.

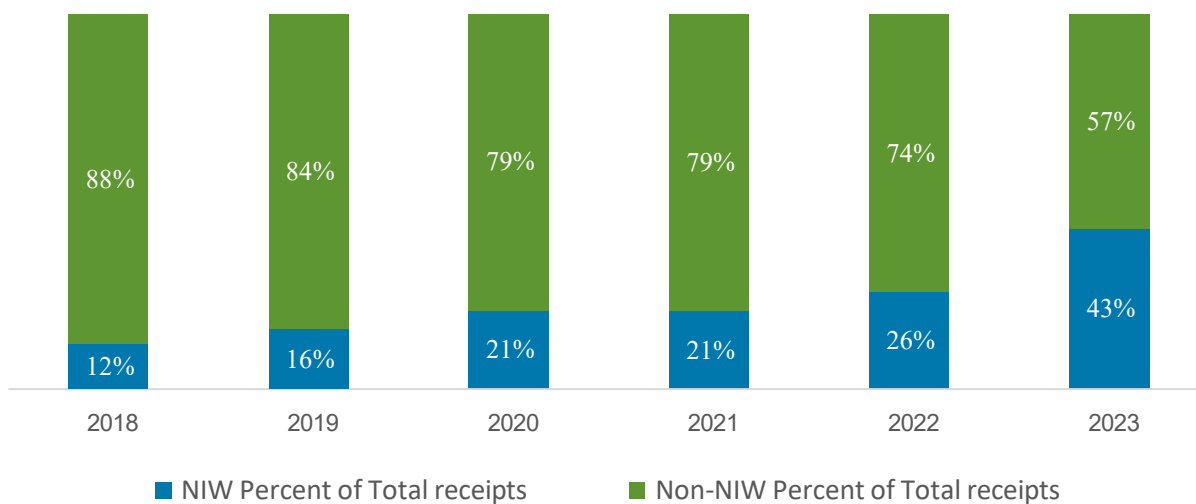
Figure 2. EB-2 Petition Receipts: STEM, Non-STEM, and Unknown Fields (FY 2018 - FY 2023)



Increasing number of EB-2 petitioners are requesting a National Interest Waiver

From FY 2021 to FY 2022, although petitions without NIWs remained the majority of I-140 receipts, the percentage of receipts with NIWs compared to those without NIWs continued to grow, from 21 percent to 26 percent. It increased further from 26 percent in FY 2022 to 43 percent in FY 2023 (see Figure 3). The number of petitions with NIWs almost doubled, from 21,990 in FY 2022 to 39,810 in FY 2023; the number of petitions without NIWs dropped from 62,490 to 53,200 (see Table 1).

Figure 3. Form I-140 Category EB-2: Receipts with NIW Compared to Non-NIW Petitions (FY 2018 - FY 2023)

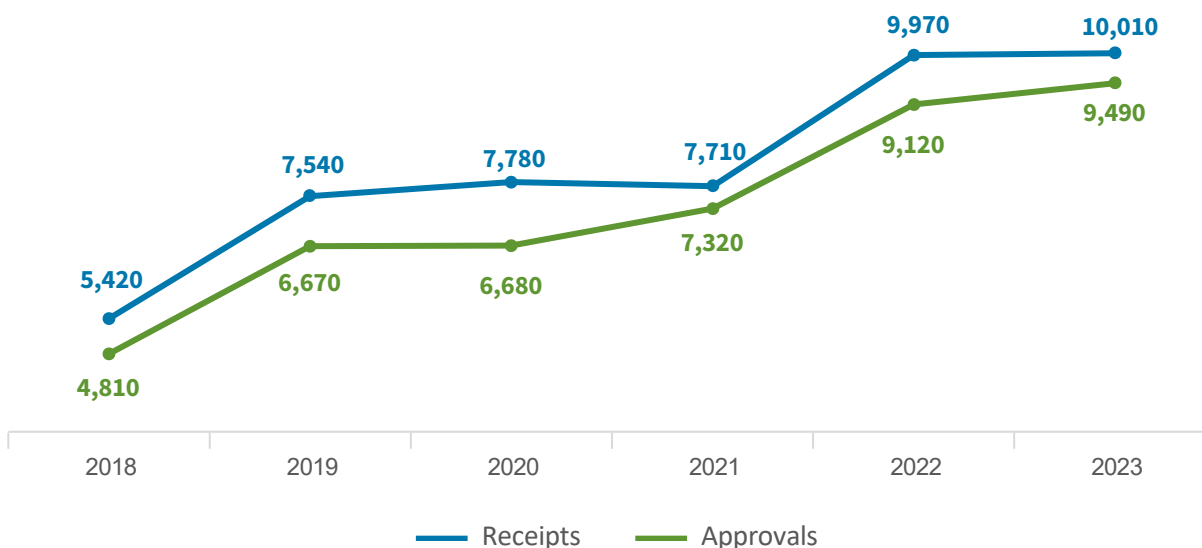


¹STEM and non-STEM job categories are determined by using job titles from Bureau of Labor Statistics Standard Occupational Classification into STEM and non-STEM. This was applied to USCIS job title data provided by the petitioner.

O-1A receipts increased by 29 percent from FY 2021 to FY 2022 and increased slightly in FY 2023

From FY 2021 to FY 2022, total receipts of Form I-129 for O-1A petitioners increased 29 percent, from 7,710 to 9,970. They continued to increase slightly from 9,970 in FY 2022 to 10,010 in FY 2023 (see Figure 4). Approvals followed a similar trend by increasing by 25 percent from FY 2021 to FY 2022, from 7,320 to 9,120. They continued to increase slightly from 9,120 in FY 2022 to 9,490 in FY 2023. The approval rate remained stable at 90 percent or above throughout FY 2018 - FY 2023 (see Table 5).

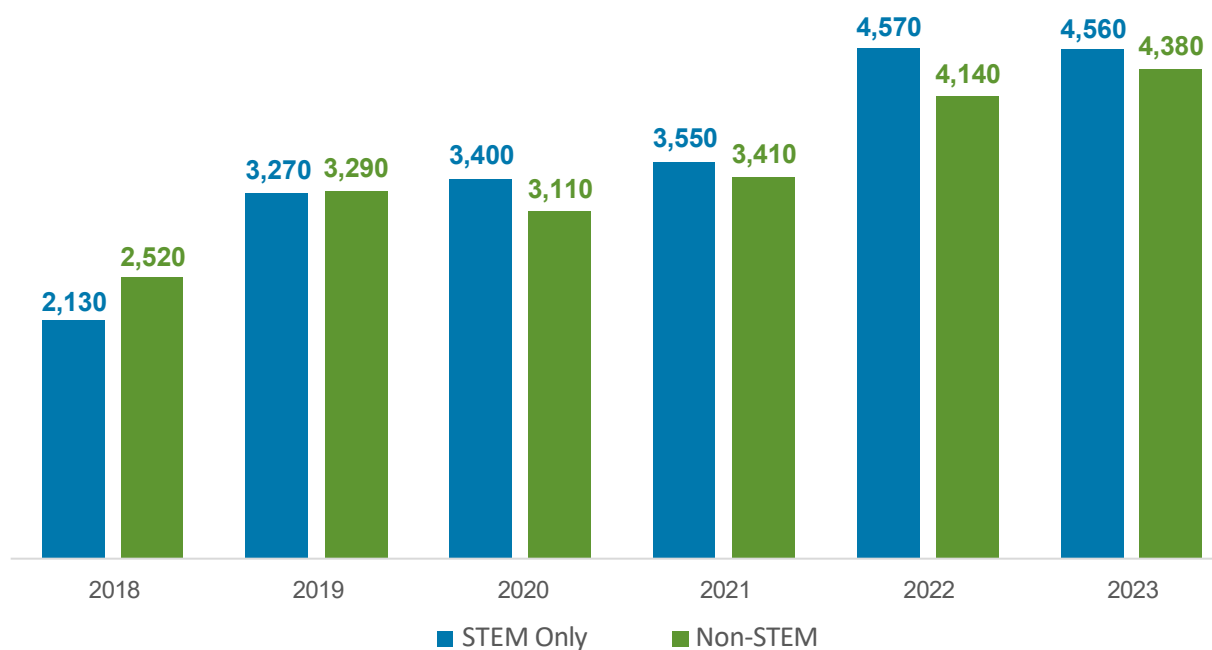
Figure 4. Form I-129 for O-1A Petitioners: Total STEM and Non-STEM-Related Receipts and Approvals (FY 2018 - FY 2023)



Approvals of O-1A petitions in STEM fields increased by 33 percent from FY 2022 to FY 2023

From FY 2021 to FY 2022, total approvals of STEM-related O-1A Form I-129 petitions increased 29 percent, from 3,550 to 4,570. From FY 2022 to FY 2023, approvals remained almost the same, from 4,570 to 4,560 (see Figure 5). Approvals of non-STEM-related petitions followed a similar trend increasing 21 percent, from 3,410 in FY 2021 to 4,140 in FY 2022. Approvals increased slightly from 4,140 in FY 2022 to 4,380 in FY 2023.

Figure 5. Form I-129 for O-1A Petitioners: Total STEM and Non-STEM-Related Approvals (FY 2018 - FY 2023)



Appendix

Table 1. EB-2 Category (Form I-140) Total Receipts, Completions, and Approvals: All Job Types

All Job Types	Receipts			Completions			Approvals			
Fiscal Year	Non-NIW	NIW	Total	Non-NIW	NIW	Total	Non-NIW	NIW	Total	Rate
2018	61,610	8,320	69,930	65,640	8,880	74,510	63,950	8,070	72,010	97%
2019	65,710	12,510	78,220	72,270	7,390	79,660	70,940	6,610	77,550	97%
2020	53,280	14,310	67,600	52,770	10,520	63,280	51,880	8,920	60,800	96%
2021	55,990	14,610	70,600	48,760	11,210	59,970	48,170	9,650	57,810	96%
2022	62,490	21,990	84,470	74,380	21,230	95,610	73,180	19,090	92,280	97%
2023	53,200	39,810	93,010	50,230	39,840	90,070	49,630	31,750	81,380	90%

Table 2. EB-2 Category (Form I-140) Total Receipts, Approvals, and Denials: STEM Job Types

STEM Only	Receipts			Approvals			Denials		
Fiscal Year	Non-NIW	NIW	Total	Non-NIW	NIW	Total	Non-NIW	NIW	Total
2018	47,840	6,500	54,340	50,540	7,080	57,620	840	320	1,160
2019	49,850	9,260	59,100	54,360	5,600	59,950	670	320	990
2020	40,690	10,180	50,870	39,290	7,410	46,700	440	700	1,140
2021	43,640	9,440	53,070	37,950	7,670	45,620	360	610	960
2022	48,250	13,550	61,790	56,390	13,840	70,240	480	750	1,230
2023	33,010	20,950	53,960	35,910	21,240	57,150	280	2,120	2,400

Table 3. EB-2 Category (Form I-140) Total Receipts, Approvals, and Denials: Non-STEM Job Types

Non-STEM	Receipts			Approvals			Denials		
Fiscal Year	Non-NIW	NIW	Total	Non-NIW	NIW	Total	Non-NIW	NIW	Total
2018	11,320	1,380	12,700	11,240	820	12,060	210	250	450
2019	11,120	2,540	13,660	12,440	790	13,240	160	230	390
2020	10,270	2,950	13,220	9,630	1,260	10,890	120	570	690
2021	10,820	3,340	14,160	9,450	1,650	11,100	100	690	790
2022	11,690	5,970	17,660	13,930	3,560	17,490	140	820	960
2023	10,880	11,810	22,690	11,390	7,510	18,900	110	3,920	4,030

Table 4. EB-2 Category (Form I-140) Total Receipts, Approvals, and Denials: Unknown

Unknown	Receipts			Approvals			Denials		
Fiscal Year	Non-NIW	NIW	Total	Non-NIW	NIW	Total	Non-NIW	NIW	Total
2018	2,450	440	2,890	2,170	170	2,340	540	220	760
2019	4,740	720	5,460	4,140	220	4,360	480	220	700
2020	2,320	1,190	3,500	2,960	250	3,210	320	320	640
2021	1,530	1,830	3,370	770	330	1,100	130	270	400
2022	2,550	2,470	5,020	2,860	1,690	4,550	220	430	650
2023	9,310	7,040	16,350	2,320	3,000	5,320	140	2,010	2,150

Table 5. O-1A Category (Form I-129) Total Receipts, Completions, and Approvals

All Job Types	Receipts	Completions	STEM Only Approvals	Non-STEM Approvals	Unknown Approvals	All Job Types Approvals	Approval Rate
2018	5,420	5,290	2,130	2,520	160	4,810	91%
2019	7,540	7,200	3,270	3,290	110	6,670	93%
2020	7,780	7,430	3,400	3,110	170	6,680	90%
2021	7,710	8,010	3,550	3,410	360	7,320	91%
2022	9,970	9,720	4,570	4,140	400	9,120	94%
2023	10,010	10,270	4,560	4,380	550	9,490	92%

Notes:

- 1) Receipts for petitions approved or denied in a given year may have been received in a previous fiscal year.
- 2) A completion is defined as an approval, a denial, or an administrative closure.
- 3) The approval rate is determined by dividing the number of approvals by the number of completions.
- 4) Unknown means job code was not reported or is missing from the electronic system.
- 5) For tables 2, 3, and 4, approval rates cannot be determined because job codes are not recorded in our system of record for denials.
- 6) Some totals may not sum due to rounding to the nearest 10.
- 7) Source: USCIS. Data are as of October 2023.