Some of the Top Occupations Pursued by Employers in H-1B Filings are Also the Ones Most Heavily Scrutinized by USCIS

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The DOL recently released statistics on the top occupations pursued by employers in H-1B Labor Condition Application (LCA) filings in FY 2019 YTD.

Among the top 10 are Computer Systems Analysts (9.5%), Computer Occupations, All Other (7.0%), Operations Research Analysts (4.1%) and Management Analysts (2.0%)--Total of 22.6%.

Interestingly, these occupations happen to be ones that are most heavily scrutinized by USCIS right now when adjudicating H-1B petitions. USCIS uses the Occupational Outlook Handbook (OOH) to challenge these positions under specialty occupation criteria.

In my opinion, reliance on the OOH as the focal point of specialty occupation eligibility is misplaced, as the OOH itself confirms in its Disclaimer that it should not be used for any legal purposes.

I also believe that USCIS' current interpretation that specialty occupation primarily means a position whose degree requirement is only in one field is equally misplaced. A specialty occupation does not mean a degree in only one field. It may justify several common or related degree fields that are part of the same body of knowledge.

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