

Fiscal Year 2024: H-1B Petitions

Annual Report to Congress October 1, 2023 – September 30, 2024



U.S. Citizenship and Immigration Services





March 18, 2025

Foreword

On behalf of the Department of Homeland Security, I am pleased to present the following report, "Fiscal Year 2024: H-1B Petitions," prepared by U.S. Citizenship and Immigration Services.

Pursuant to statutory requirements, this report is being provided to the following members of Congress:

The Honorable Charles E. Grassley Chairman, Senate Committee on the Judiciary

The Honorable Richard Durbin Ranking Member, Senate Committee on the Judiciary

The Honorable Jim Jordan Chairman, House Committee on the Judiciary

The Honorable Jamie Raskin Ranking Member, House Committee on the Judiciary

Inquiries relating to this report may be directed to me at (202) 447-5890.

Sincerely,

Bradley Hayes

Assistant Secretary for Legislative Affairs

Executive Summary

The American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), Pub. L. No. 105-277, div. C, tit. IV, § 416(c), 112 Stat. 2681, imposes quarterly reporting requirements on U.S. Citizenship and Immigration Services (USCIS) concerning the H-1B petition fees and fee exemptions.¹

To fulfill this requirement, USCIS submits the following report to cover the four quarters of Fiscal Year (FY) 2024, October 1, 2023 – September 30, 2024. The report provides information on:

- the number of H-1B petitions;
- the number of employers requiring an additional ACWIA petition fee as reinstituted by the *H-1B Visa Reform Act of 2004*, and those exempt from the nonimmigrant H-1B ACWIA petition fee;
- the number of aliens issued visas or otherwise provided H-1B nonimmigrant status pursuant to petitions filed by institutions or organizations described in Section 212(p)(1) of the *Immigration and Nationality Act* (INA), 8 U.S.C. § 1182(p)(1)²; and
- the number of employers required to submit the Fraud Prevention and Detection Fee.

Each section of this report includes quarterly and annual data for FY 2024. The data contained in this report were extracted by the USCIS Office of Performance and Quality in November 2024.

Characteristics of H-1B Specialty Occupation Workers.

¹ Section 416(c)(2) of ACWIA imposes annual reporting requirements on USCIS concerning information on the countries of origin and occupations of, educational levels attained by, and compensation paid to, aliens who were issued H-1B visas or otherwise granted H-1B nonimmigrant status. This information is contained in the USCIS FY 2024 report to Congress,

² This report also includes information on aliens in the United States who are granted a change of status to, or extension of stay in, the H-1B1 nonimmigrant classification under the United States-Chile or United States-Singapore Free Trade Agreements. This report does not include information on those aliens who are issued an H-1B1 nonimmigrant visa abroad, as an employer is not required to file a petition with USCIS for those aliens.



Report on H-1B Petitions

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I. Legislative Requirement

Section 416(c)(1) of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), Pub. L. No. 105-277, div. C, tit. IV, § 416(c)(1), 112 Stat. 2681, includes the following requirement:

[T]he Attorney General shall notify, on a quarterly basis, the Committees on the Judiciary of the U.S. House of Representatives and the Senate of the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act during the preceding 3-month period.³

Furthermore, Section 416(c)(3) of the ACWIA requires each report to "include the number of aliens who were issued visas or otherwise provided nonimmigrant status pursuant to petitions filed by institutions or organizations described in Section 212(p)(1) of the Immigration and Nationality Act."

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³ As of March 1, 2003, in accordance with Section 1517 of Title XV of the *Homeland Security Act of 2002* (HSA), Pub. L. No. 107-296, 116 Stat. 2135, any reference to the Attorney General in a provision of the *Immigration and Nationality Act* describing functions that were transferred from the Attorney General or other Department of Justice official to the Department of Homeland Security by the HSA "shall be deemed to refer to the Secretary" of Homeland Security. *See* 6 U.S.C. § 557 (2003) (codifying HSA, Title XV, § 1517).

II. Background

The *Immigration Act of 1990* established numerical limitations on the H-1B nonimmigrant classification to provide U.S. employers access to foreign workers in a "specialty occupation". ^{4,5} The numerical cap of 65,000 H-1B visas was reached for the first time in Fiscal Year (FY) 1997 as demand increased significantly in the technology sector.

In October 1998, the 105th Congress enacted the *American Competitiveness and Workforce Improvement Act of 1998* (ACWIA), Pub. L. No. 105-277, div, C, tit. IV, 112 Stat. 2681. The ACWIA temporarily increased the H-1B cap to 115,000 for FY 1999 and FY 2000 and to 107,500 for FY 2001, while establishing an affirmative role for U.S. employers to assist with education and training efforts. Under the ACWIA, an H-1B Nonimmigrant Petitioner Fee account was established to fund training and education programs administered by the Department of Labor and the National Science Foundation. Employers, unless explicitly exempt under the law, were required to pay a \$500 ACWIA fee for each H-1B worker sponsored. Employers who qualified as an institution or organization described in Section 212(p)(1) of the *Immigration and Nationality Act* (INA) were exempted from payment of this fee. The ACWIA placed quarterly and annual reporting requirements on U.S. Citizenship and Immigration Services (USCIS) concerning the H-1B fee, fee exemption, and demographic H-1B worker data. The ACWIA fee of \$500 was initially scheduled to sunset, or end, on October 1, 2001.

The 106th Congress passed two bills that affected the H-1B program:

- A bill enacted as the untitled Public Law 106-311, 114 Stat. 1247 (Oct. 17, 2000); and
- The American Competitiveness in the Twenty-first Century Act of 2000 (AC21), Pub. L. No. 106-313, 114 Stat. 1251 (Oct. 17, 2000).

First, pursuant to Public Law 106-311, Congress raised the ACWIA fee from \$500 to \$1,000 while exempting additional types of employers beyond those described in INA § 212(p)(1) from payment of this fee and extending the applicability of the fee provision to qualifying petitions filed by employers through September 30, 2003. Second, AC21 temporarily raised the H-1B cap to 195,000 for Fiscal Years 2001, 2002, and 2003, while exempting certain H-1B workers from the numerical limits. Starting in FY 2004, the H-1B cap was restored back to 65,000 per fiscal year. On December 8, 2004, the 108th Congress passed the *Consolidated Appropriations Act*, 2005, which contained the *H-1B Visa Reform Act of 2004*, and made several changes to the H-1B program. *See* Pub. L. No. 108-447, div. J, tit. IV, 118 Stat. 2809. The *H-1B Visa Reform Act of 2004* permanently reinstituted the ACWIA fee, which had sunset on October 1, 2003, and raised it from \$1,000 to \$1,500 per qualifying petition. In addition, the *H-1B Visa Reform Act of 2004*

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⁴ The H-1B nonimmigrant classification is defined as "an alien who is coming temporarily to the United States to perform services ... in a specialty occupation described in Section [214(i)(1)] or as a fashion model, who meets the requirements for the occupation specified in Section [214(i)(2)] or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the [Secretary of Homeland Security] that the intending employer has filed with the Secretary [of Labor] an application under Section [212(n)(1)]." INA § 101(a)(15)(H)(i)(b). The H-1B1 classification is defined as an alien "who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in Section [214(g)(8)(A)], who is engaged in a specialty occupation described in Section [214(i)(3)], and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under Section [212(t)(1)]." *Id.* § 101(a)(15)(H)(i)(b1).

⁵ Agents, in addition to employers, may file an H-1B petition pursuant to 8 CFR 214.2(h)(2)(i)(F). All references to employers and any applicable fees discussed throughout this report also include agents.

lowered the fee to \$750 for employers who have no more than 25 full-time equivalent employees in the United States (including the number of employees employed by any affiliate or subsidiary of such employer) but did not alter the exemptions of certain types of employers from payment of the fee altogether.⁶ This fee applies to any initial H-1B petition filed on behalf of an alien by any employer or first extension request by the same employer for an alien filed after December 8, 2004, unless the petitioning organization is exempt from the fee.

The *H-1B Visa Reform Act of 2004* also instituted a new Fraud Prevention and Detection Fee (Fraud Fee) of \$500 that must be submitted with a petition seeking an initial grant of H-1B or L nonimmigrant classification or by an employer seeking to change an alien's employer within those classifications.⁷ The Fraud Fee does not apply to petitions filed with USCIS that extend or amend an alien's stay in H-1B or L classification filed by a current employer, or for any petitions filed with the H-1B1 classification. Finally, the *H-1B Visa Reform Act of 2004* provided that up to 20,000 petitions filed on behalf of aliens who had earned a master's degree or higher from a U.S. institution of higher education (as defined by 20 U.S.C. § 1001(a)) would be exempt from the numerical cap.

On August 9, 2017, USCIS issued the policy memorandum, "Definition of 'Affiliate' or 'Subsidiary' for Purposes of Determining the H-1B ACWIA Fee." The intent of this memorandum is to have consistency in collecting the ACWIA fee under the statutory definitions of "affiliate" and "subsidiary," thereby ensuring that USCIS collects the higher fee where possible under the law and maximizes receipt of funds for the training of U.S. workers.

In FY 2019, USCIS issued final rules establishing a registration system requiring prospective petitioners seeking to file H-1B cap-subject petitions, including those that may be eligible for the advanced degree exemption, to first electronically register with USCIS during a designated registration period and pay the associated H-1B registration fee for each beneficiary. By regulation, only those prospective petitioners whose registrations were selected were eligible to file an H-1B cap-subject petition. The electronic registration system is designed to streamline the H-1B cap selection process by reducing paperwork and data exchange and provide an overall time and cost savings to the public.

In March 2023, USCIS conducted an initial random selection on properly submitted electronic registrations for the fiscal year (FY) 2024 H-1B cap, including for beneficiaries eligible for the advanced degree exemption. Only those petitioners with selected registrations for FY 2024 were eligible to file H-1B cap-subject petitions. The initial filing period for those with selected registrations for FY 2024 was from April 1, 2023, through June 30, 2023. USCIS subsequently announced its intention to select additional registrations to reach the FY 2024 numerical allocations. As of July 31, 2023, USCIS had randomly selected, from the remaining

⁶ See Section 3.2 of this report for further information about organizations that are exempt from the ACWIA fee.

⁷ The L nonimmigrant classification is defined in Section 101(a)(15)(L) of the INA as "subject to Section 214(c)(2), an alien who, within three (3) years preceding the time of his application for admission into the United States, has been employed continuously for one (1) year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge" Other than being another classification subject to this fee, the L classification has no bearing on the information presented in this report.

8 See 8 CFR 214.2(h)(8)(iii).

⁹ U.S. Citizenship and Immigration Services, "FY 2024 H-1B Cap Season Updates," https://www.uscis.gov/newsroom/alerts/fy-2024-h-1b-cap-season-updates.

FY 2024 registrations properly submitted, a sufficient number of registrations projected to reach the cap.

This report covers the four quarters of FY 2024 and is presented in three parts:

- Section 3.1 provides information on the number of H-1B petitions;
- Section 3.2 provides information on the number of employers requiring an additional ACWIA petition fee as reinstituted by the *H-1B Visa Reform Act of 2004* and those exempt from the nonimmigrant H-1B ACWIA petition fee; and
- Section 3.3 provides information on the number of employers required to submit the Fraud Prevention and Detection Fee.

Sections 3.1 and 3.2 of this data report include information on those aliens in the United States who are granted a change of status to, or extension of stay in, the H-1B1 nonimmigrant classification under the United States-Chile or United States-Singapore Free Trade Agreements. These sections do not provide information on aliens who are issued an H-1B1 nonimmigrant visa abroad as an employer is not required to file a petition with USCIS for those aliens.

Section 3.3 does not account for aliens in the United States who are granted a change of status to, or extension of stay in, the H-1B1 nonimmigrant classification because the Fraud Prevention and Detection Fee is not required for petitions seeking H-1B1 nonimmigrant status on behalf of an alien. Each section of this report includes quarterly and annual data for FY 2024.

III. Data Report

Section 3.1 –Number of H-1B Petitions Filed by Employers and Number of H-1B Petitions Approved by USCIS

Table 1 provides information on the number of H-1B petitions filed by employers in FY 2024 and previous fiscal years. This table also provides information on the number of H-1B petitions approved by USCIS during this period. Petitions filed in a particular quarter are not necessarily adjudicated in that same quarter.

Pursuant to Section 214(c) of the INA, a U.S. employer using the H-1B program is required to file a petition with the Secretary of Homeland Security on behalf of an alien worker (the beneficiary). The petition must be approved before a visa is issued or an alien is provided nonimmigrant status. Accordingly, petition data is the basis of this report.

A U.S. employer files the petition with USCIS to sponsor an alien worker as an H-1B nonimmigrant. This petition may be filed to sponsor an alien for an initial period of H-1B employment or to extend the authorized stay of an alien as an H-1B nonimmigrant. Generally, more than one employer may file a petition for the same alien worker; however, for H-1B cap purposes such a worker will only be counted once. An employer may file a petition to sponsor an alien who already has status as an H-1B nonimmigrant working for another employer or to amend a previously approved petition. Therefore, the total number of approved petitions may exceed the actual number of aliens who are provided H-1B nonimmigrant status.

Table 1. Number of H-1B Petitions Filed and Number Approved by Quarter, FY 2020-FY 2024

Petitions Filed ¹⁰ or Petitions Approved ¹¹	Fiscal Year	Oct to Dec	Jan to Mar	Apr to Jun	Jul to Sep	FY Total
Petitions Filed	2020	78,986	79,389	174,316	94,554	427,245
Petitions Filed	2021	61,478	77,637	161,628	97,526	398,269
Petitions Filed	2022	89,640	94,657	197,731	92,273	474,301
Petitions Filed	2023	68,885	72,194	151,149	94,356	386,584
Petitions Filed	2024	79,436	81,846	170,072	95,737	427,091
Petitions Approved	2020	93,637	91,048	97,355	144,670	426,710
Petitions Approved	2021	89,713	80,600	115,143	121,615	407,071
Petitions Approved	2022	92,458	106,222	120,183	123,180	442,043
Petitions Approved	2023	99,805	77,555	96,886	112,094	386,340
Petitions Approved	2024	87,018	89,872	102,409	120,103	399,402

¹⁰ Beginning in FY 2020, only petitions filed during a given fiscal year are counted in the number of petitions filed. This differs from prior year reports, which reported data that were current at the time that the database was queried.
¹¹ These figures represent all approved petitions during the respective fiscal year, irrespective of whether the petition was filed in the same or in a previous fiscal year. In FY 2020, data on case decisions are based on the first adjudicative decision made to approve or deny a petition. Subsequent actions taken on alien cases, such as on an appeal or revocation, are excluded. This method may differ from prior year reports, which identified the approval or denial status of a petition based on the most recent decision made on the petition at the time that the data was generated. This update allows for greater consistency across USCIS data sources including the H-18 Employer
Data Hub.

Section 3.2 – Number of H-1B Petitions Nonexempt and Exempt from ACWIA Fee

Table 2 shows the number of petitions that were filed in FY 2024 that required submission of the ACWIA fee as well as those petitions exempt from that fee. Table 3 shows the same information for all petitions approved during the same period regardless of when filed.

ACWIA added Section 214(c)(9)(A) of the INA, 8 U.S.C. § 1184(c)(9)(A), to require that the Attorney General impose a fee on an employer:

- initially filing a petition to grant nonimmigrant status in the H-1B classification;
- extending the H-1B nonimmigrant stay of an alien (unless the employer previously has obtained an extension for such alien); or
- obtaining authorization for an alien in H-1B status to change employers.

The ACWIA provisions exempted certain types of employers described in Section 212(p)(1) of the INA, 8 U.S.C. § 1182(p)(1), from the payment of this fee. The fee, effective December 1, 1998, was initially scheduled to sunset on September 30, 2001.

With the passage of Public Law 106-311, the fee was increased from \$500 to \$1,000, effective December 18, 2000, with a sunset on September 30, 2003. Public Law 106-311 also amended Section 214(c)(9)(A) of the INA by specifying certain employers that are exempt from the ACWIA fee beyond those employers described under Section 212(p)(1) of the INA. The *H-1B Visa Reform Act of 2004*, enacted as part of the *Omnibus Appropriation Act of FY 2005*, reinstituted the ACWIA fee, made the fee permanent, and raised it from \$1,000 to \$1,500 per qualifying petition filed with USCIS after December 8, 2004; however, employers who have no more than 25 full-time equivalent employees who are employed in the United States (including the number of employees employed by any affiliate or subsidiary of such employer) must pay a \$750 ACWIA fee. The *H-1B Visa Reform Act of 2004* again exempted employers described in Section 214(c)(9)(A) of the INA from the ACWIA fee. Section 214(c)(9)(A) exempts payment of the ACWIA fee in certain instances, as summarized below.

Due to the passage of Public Law 106-311, this report exceeds the original reporting mandate: It covers all employers exempt from the fee as described in Section 214(c)(9)(A), not only those described in Section 212(p)(1). Specifically, these exemptions apply to employers that are:

- institutions of higher education defined in Section 101(a) of the *Higher Education Act of* 1965, 20 U.S.C. § 1001(a);
- nonprofit organizations related to or affiliated with an institution of higher education as defined in Section 101(a) of the *Higher Education Act of 1965*, 20 U.S.C. § 1001(a);
- nonprofit entities engaging in established curriculum-related clinical training of students registered at any institution defined in Section 101(a) of the *Higher Education Act of 1965*, 20 U.S.C. § 1001(a);
- nonprofit research organizations and Government research organizations;
- primary or secondary education institutions;
- filing a second or subsequent request for an extension of stay for a particular alien;
- filing an amended petition without a request to extend the nonimmigrant stay of the alien beneficiary; or
- filing a petition solely to correct a USCIS error.

Table 2. Number of H-1B Petitions Filed by Quarter and Reason for ACWIA Fee or

Exemption from Fee, FY 2024

Exemption from Fee, FY 2024 Fiscal Year 2024	Oct 2023 to Dec 2023	Jan 2024 to Mar 2024	Apr 2024 to Jun 2024	Jul 2024 to Sep 2024	FY 2024 Total
TOTAL PETITIONS FILED 12	79,436	81,846	170,072	95,737	427,091
Without any fee exemptions	50,482	44,578	134,021	57,722	286,803
With at least one exemption	28,954	37,268	36,051	38,015	140,288
SIZE OF EMPLOYERS SUBJECT TO ADDITIONAL FEE					
Employer of no more than 25 full-time equivalent employees	10,946	4,846	26,719	8,668	51,179
Employer of 26 or more full-time equivalent employees	68,490	77,000	143,353	87,069	375,912
Number of full-time equivalent employees unknown ¹³	0	0	0	0	0
REASONS FOR EXEMPTION ¹⁴					
Employer is an institution of higher education	4,460	6,062	7,587	6,631	24,740
Employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education	3,057	4,972	6,958	5,569	20,556
Employer is a nonprofit research organization or a government research organization	1,351	1,792	2,047	1,789	6,979
Employer is filing a second (or subsequent) extension of stay for an H-1B nonimmigrant	16,275	21,881	18,095	21,632	77,883
Employer is filing an amended petition without an extension of stay for an H-1B nonimmigrant	5,521	5,058	4,349	5,024	19,952
Employer is filing a petition in order to correct a USCIS error	6	6	12	18	42
Employer is a primary or secondary education institution	792	1275	1,981	2,124	6,172
Employer is a nonprofit entity engaged in clinical training	1,788	2,798	3,988	2,721	11,295

¹² The total in the "Total Petitions Filed" row is a sum of the "without any fee exemption" and "with at least exemption" rows.

¹³ Unknown values may have occurred as a result of data entry errors or improper electronic transfer from a USCIS Service Center electronic data file.

¹⁴ A petition may be counted in multiple rows if the employer indicates that the petition is exempt from the fee for multiple reasons.

Table 3. Number of H-1B Petitions Approved by Quarter and Reason for Exemption from ACWIA Fee, FY 2024

Fiscal Year 2024	Oct 2023 to Dec 2023	Jan 2024 to Mar 2024	Apr 2024 to Jun 2024	Jul 2024 to Sep 2024	FY 2024 Total
TOTAL PETITIONS APPROVED ¹⁵	87,018	89,872	102,409	120,103	399,402
Without any fee exemptions	57,902	53,086	65,234	89,429	265,651
With at least one exemption	29,116	36,786	37,175	30,674	133,751
SIZE OF EMPLOYERS SUBJECT TO ADDITIONAL FEE					
Employer of no more than 25 full-time equivalent employees	12,206	10,011	7,581	15,289	45,087
Employer of 26 or more full-time equivalent employees	74,812	79,860	94,828	104,814	354,314
Number of full-time equivalent employees unknown 16	0	1	0	0	1
REASONS FOR EXEMPTION ¹⁷					
Employer is an institution of higher education	4,548	4,728	7,419	6,865	23,560
Employer is a nonprofit organization or entity related to, or affiliated with an institution of higher education	3,139	3,388	6,444	6,016	18,987
Employer is a nonprofit research organization or a government research organization	1,360	1,478	2,011	1,749	6,598
Employer is filing a second (or subsequent) extension of stay for an H-1B nonimmigrant	16,739	21,513	18,997	15,970	73,219
Employer is filing an amended petition without an extension of stay for an H-1B nonimmigrant	5,041	7,631	5,204	2,542	20,418
Employer is filing a petition in order to correct a USCIS error	7	5	12	12	36
Employer is a primary or secondary education institution	932	735	1,687	2,288	5,642
Employer is a nonprofit entity engaged in clinical training	1,816	2,066	3,710	3,077	10,669

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¹⁵ The total in the "Total Petitions Filed" row is a sum of the "without any fee exemption" and "with at least exemption" rows.

¹⁶ Unknown values may have occurred as a result of data entry errors or improper electronic transfer from a USCIS Service Center electronic data file.

 $^{^{17}}$ A petition may be counted in multiple rows if the employer indicates that the petition is exempt from the fee for multiple reasons.

Section 3.3 – Number of H-1B Petitions Requiring Fraud Prevention and Detection Fee

Table 4 shows the number of H-1B petitions filed in FY 2024 that required submission of the Fraud Prevention and Detection Fee. Table 5 shows the same information for all petitions approved during the same period regardless of when filed.

This additional fee is required by the *H-1B Visa Reform Act of 2004*, which imposes an additional \$500 ("Fraud Prevention and Detection Fee" or "Fraud Fee") for certain H-1B or L petitions. A U.S. employer seeking initial approval of H-1B or L nonimmigrant status for a beneficiary, or seeking approval to employ an H-1B or L nonimmigrant currently working for another U.S. employer, must submit this additional \$500 fee. H-1B1 petitions are exempt from this fee.

Table 4. Number of H-1B Petitions Filed Requiring Fraud Prevention and Detection Fee, FY 2024

REASONS FOR FRAUD FEE	Oct 2023 to Dec 2023	Jan 2024 to Mar 2024	Apr 2024 to Jun 2024	Jul 2024 to Sep 2024	FY 2024 Total
TOTAL PETITIONS FILED WITH FEE	41,393	25,369	116,681	34,586	218,029
New employment (including new employer filing H-1B extension)	15,506	16,080	16,929	17,934	66,449
New concurrent employment	378	374	348	470	1,570
Change of employer	25,509	8,915	99,404	16,182	150,010

Table 5. Number of H-1B Petitions Approved Requiring Fraud Prevention and Detection Fee, FY 2024

REASONS FOR FRAUD FEE	Oct 2023 to Dec 2023	Jan 2024 to Mar 2024	Apr 2024 to Jun 2024	Jul 2024 to Sep 2024	FY 2024 Total
TOTAL PETITIONS APPROVED WITH FEE	45,263	33,202	50,753	75,852	205,070
New employment	15,186	16,003	16,365	16,311	63,865
New concurrent employment	384	456	347	327	1,514
Change of employer	29,693	16,743	34,041	59,214	139,691