

ANALYSIS OF USCIS DENIAL RATES FOR HIGH-SKILLED IMMIGRANTS AND TEMPORARY VISAS

EXECUTIVE SUMMARY

The Trump administration increased denial rates for highly skilled employment-based immigrants in FY 2025, according to an analysis by the National Foundation for American Policy (NFAP). The denial rate increases reflect policy choices to restrict or prevent high-skilled foreign nationals from working in the United States. Other administration policies have included imposing a \$100,000 fee on the entry of new H-1B visa holders and a proposed rule that would significantly raise the required prevailing wage for H-1B professionals and employment-based immigrants.

An NFAP analysis of U.S. Citizenship and Immigration Services (USCIS) data finds:

- The denial rate for an alien with extraordinary ability (in the employment-based first preference green card category) nearly doubled from 25.6% to 46.6% between the fourth quarter of FY 2024 and the fourth quarter of FY 2025.
- The denial rate for national interest waivers (in the employment-based second preference green card category) rose from 38.8% to 64.3% between the fourth quarter of FY 2024 and the fourth quarter of FY 2025.
- The denial rate for O temporary visas (for individuals with extraordinary ability) rose from 5.0% in the fourth quarter of FY 2024 to 7.3% in the fourth quarter of FY 2025, representing a 46% increase.
- The denial rate for L-1A petitions for intracompany transferees of executives or managers rose from 8.0% in the fourth quarter of FY 2024 to 9.6% in the fourth quarter of FY 2025.
- The denial rate for L-1B petitions for intracompany transferees with specialized knowledge rose from 8.1% in the fourth quarter of FY 2024 to 9.2% in the fourth quarter of FY 2025.
- Denial rates for H-1B petitions have not spiked during Donald Trump's second term. One reason may be that a legal settlement in 2020 tied the hands of USCIS officials after a judge found high denial rates for H-1B petitions in Trump's first term were caused by unlawful actions that changed the criteria for approvals without using the formal rulemaking process.
- USCIS had a "net backlog" of 6.3 million applications at the end of FY 2025, an increase of 65%, or 2.5 million, between the fourth quarter of FY 2024 and the fourth quarter of FY 2025. Most of that increase in pending cases resulted from the Trump administration choosing to end Temporary Protected Status for nearly all countries and parole for Cubans, Haitians, Nicaraguans and Venezuelans. Between the fourth

Analysis of USCIS Denial Rates for Skilled Immigrants and Temporary Visas

quarter of FY 2024 and the fourth quarter of FY 2025, the net backlog for I-129 petitions for a nonimmigrant (temporary) worker increased by more than 54,000 and by 58,400 for I-140 immigration petitions for alien workers. The backlog for I-485 forms to register permanent residence or adjust status also increased.

- The frontlog of unopened applications at USCIS increased from zero at the end of FY 2024 to 247,974 by the end of FY 2025.

Two memos from USCIS Director Joseph Edlow suspended processing inside the country for people from 39 countries. Lawsuits have challenged the actions, since the proclamations on which the processing suspension is based restrict entry, not adjudications within the United States.

The Trump administration has reduced the projected level of legal immigration to the United States by more than 600,000 immigrants during Donald Trump's second term, according to a National Foundation for American Policy [estimate](#). The 600,000 reduction in legal immigration includes the administration lowering refugee admissions by more than 100,000 a year, or by at least 400,000 by 2028, and a projected decline of more than 200,000 immigrants due to the Trump administration's ban on the Immediate Relatives of U.S. Citizens from multiple countries via a December 16, 2025, [proclamation](#).

INCREASES IN DENIAL RATES FOR EMPLOYMENT-BASED IMMIGRANTS

U.S. Citizenship and Immigration Services (USCIS) adjudicators have significantly increased denial rates in key employment-based immigrant categories (i.e., green cards, for permanent residence). The denial rate for an alien with extraordinary ability (in the employment-based first preference category) nearly doubled from 25.6% to 46.6% between the fourth quarter of FY 2024 and the fourth quarter of FY 2025. Similarly, the denial rate for national interest waivers (in the employment-based second preference) rose from 38.8% to 64.3% between the fourth quarter of FY 2024 and the fourth quarter of FY 2025. The number of cases pending for an alien of extraordinary ability more than doubled, while pending cases rose by 69% for national interest waivers.

**Table 1
Alien of Extraordinary Ability (By Quarter)**

Quarter	Approvals	Denials	Pending	Denial Rate
FY 2024 Q4	3,334	1,148	10,586	25.6%
FY 2025 Q1	3,227	1,091	13,526	25.3%
FY 2025 Q2	3,402	1,276	16,093	27.3%
FY 2025 Q3	3,508	1,765	18,081	33.5%
FY 2025 Q4	2,331	2,033	21,157	46.6%

Source: USCIS, National Foundation for American Policy.

The Trump administration began in January 2025, during the second quarter of FY 2025, and the denial rate in these categories increased despite Trump officials issuing no new regulations affecting the categories. There are three preference categories for highly skilled employment-based immigrants. Within the first preference, an [alien with extraordinary ability](#) is defined as an individual who demonstrates “extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim.”

**Table 2
National Interest Waiver (By Quarter)**

Quarter	Approvals	Denials	Pending	Denial Rate
FY 2024 Q4	5,396	3,427	44,093	38.8%
FY 2025 Q1	4,683	2,790	56,611	37.3%
FY 2025 Q2	6,591	3,206	64,475	32.7%
FY 2025 Q3	5,290	4,511	68,821	46.0%
FY 2025 Q4	2,968	5,356	74,392	64.3%

Source: USCIS, National Foundation for American Policy.

Analysis of USCIS Denial Rates for Skilled Immigrants and Temporary Visas

In the employment-based second preference, according to USCIS, “Those seeking a national interest waiver are requesting that the job offer, and thus the labor certification, be waived because it is in the interest of the United States. . . .Those seeking a national interest waiver may self-petition (you do not need an employer to sponsor you).” PERM, or the [permanent labor certification](#) program, is expensive, and the Department of Labor can take a year or more to process applications.

Table 3
Alien of Extraordinary Ability (FY 2022 to FY 2025)

Quarter	Approvals	Denials	Pending	Denial Rate
FY 2022	5,623	1,608	6,281	22.2%
FY 2023	10,356	4,156	7,657	28.6%
FY 2024	12,231	4,703	10,586	27.8%
FY 2025	12,468	6,165	21,157	33.1%

Source: USCIS, National Foundation for American Policy.

The statute does not define “national interest,” which gives USCIS considerable latitude. After the Biden administration issued new guidance following an executive order on AI, receipts for national interest waiver requests rose by 51% from FY 2021 to FY 2022 (14,610 to 21,990), according to a National Foundation for American Policy analysis. Despite the additional applications, the approval rate for national interest waivers increased in FY 2022. Between FY 2022 to FY 2023, receipts for national interest waiver requests rose by 81%, from 21,990 to 39,810, and denial rates increased to 20%, far below the 45% figure for FY 2025 or 64.3% denial rate in the fourth quarter of FY 2025.¹ A change of that magnitude indicates USCIS political leadership encouraged a crackdown on approvals under the Trump administration.

Table 4
National Interest Waiver (FY 2022 to FY 2025)

Quarter	Approvals	Denials	Pending	Denial Rate
FY 2022	10,316	468	18,599	4.3%
FY 2023	31,889	8,172	19,117	20.4%
FY 2024	27,526	11,256	44,093	29.0%
FY 2025	19,532	15,863	74,392	44.8%

Source: USCIS, National Foundation for American Policy.

¹ Stuart Anderson, “O-1A Visas, National Interest Waivers Rise After Immigration Guidance,” *Forbes*, July 30, 2024. Immigration attorneys were not surprised the denial rate increased in FY 2023 because the guidance change likely attracted more marginal cases and an Administrative Appeals Office decision [Matter of Dhanasar](#) (December 27, 2016) remained in place. That decision established a three-factor test for national interest waivers.

Analysis of USCIS Denial Rates for Skilled Immigrants and Temporary Visas

INCREASES IN DENIAL RATES FOR O AND L VISAS IN 4TH QUARTER OF FY 2025

The denial rate for O temporary visas rose from 5.0% in the fourth quarter of FY 2024 to 7.3% in the fourth quarter of FY 2025, representing a 46% increase. According to USCIS, “The O-1 nonimmigrant visa is for the individual who possesses extraordinary ability in the sciences, arts, education, business, or athletics, or who has a demonstrated record of extraordinary achievement in the motion picture or television industry and has been recognized nationally or internationally for those achievements.”²

**Table 5
O Extraordinary Ability or Achievement (By Quarter)**

Quarter	Approvals	Denials	Denial Rate
FY 2024 Q4	7,586	396	5.0%
FY 2025 Q1	6,833	408	5.6%
FY 2025 Q2	7,943	456	5.4%
FY 2025 Q3	7,404	492	6.2%
FY 2025 Q4	7,553	592	7.3%

Source: USCIS, National Foundation for American Policy.

The denial rate for L-1A petitions for intracompany transferee executives or managers rose from 8.0% in the fourth quarter of FY 2024 to 9.6% in the fourth quarter of FY 2025. Denial rates for L-1A petitions had been higher in FY 2022 but had fallen since then until the fourth quarter of FY 2025.

**Table 6
L-1A Intracompany Transferee Executive or Manager (By Quarter)**

Quarter	Approvals	Denials	Denial Rate
FY 2024 Q4	5,343	465	8.0%
FY 2025 Q1	5,154	433	7.8%
FY 2025 Q2	6,169	510	7.6%
FY 2025 Q3	5,591	464	7.7%
FY 2025 Q4	5,621	597	9.6%

Source: USCIS, National Foundation for American Policy.

² <https://www.uscis.gov/working-in-the-united-states/temporary-workers/o-1-visa-individuals-with-extraordinary-ability-or-achievement>.

Analysis of USCIS Denial Rates for Skilled Immigrants and Temporary Visas

The denial rate for L-1B petitions for intracompany transferees with specialized knowledge rose from 8.1% in the fourth quarter of FY 2024 to 9.2% in the fourth quarter of FY 2025. Denial rates for L-1B petitions had been higher in previous years, reaching 19.0% in FY 2022 and 15.6% in FY 2023, but had fallen significantly before the third and fourth quarters of FY 2025.

Table 7
L-1B Intracompany Transferee with Specialized Knowledge (By Quarter)

Quarter	Approvals	Denials	Denial Rate
FY 2024 Q4	2,875	254	8.1%
FY 2025 Q1	2,834	209	6.9%
FY 2025 Q2	3,709	278	7.0%
FY 2025 Q3	2,952	242	7.6%
FY 2025 Q4	3,334	336	9.2%

Source: USCIS, National Foundation for American Policy.

Not all temporary categories saw increases in denial rates in FY 2025. The denial rate for blanket L petitions declined from 1.1% in the fourth quarter of FY 2024 to 0.6% in the fourth quarter of FY 2025. “Certain organizations may establish the required intracompany relationship in advance of filing individual L-1 petitions by filing a blanket petition,” according to USCIS.³ P petitions for athletes, artists and entertainers remained stable in FY 2025. Between the fourth quarter of FY 2024 and the fourth quarter of FY 2025, the denial rate for R-1 temporary religious workers rose from 3.8% to 5.2% and the denial rate for petitions for TN NAFTA professionals declined from 5.8% to 5.5% during this period.

Table 8 shows denial rates by fiscal year for several temporary visa categories. The table carries a few caveats. First, as with any administration, it takes time for officials to exert their influence. As a result, the overall denial rate for FY 2025 misses significant increases in denials in the L-1A, L-1B and O categories in the fourth quarter of FY 2025. Most processing for H-2A and H-2B visas takes place at U.S. consulates, not at USCIS. As a result, most data on the H-2A and H-2B categories are found with the Department of Labor and U.S. Department of State.

³ <https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1-a-intracompany-transferee-executive-or-manager>.

Analysis of USCIS Denial Rates for Skilled Immigrants and Temporary Visas

**Table 8
USCIS Denial Rates for Temporary Visa Categories by Fiscal Year**

Temporary Visa Category	FY 2022	FY 2023	FY 2024	FY 2025
Specialty Occupations (H-1B)	2.0%	2.7%	2.0%	2.1%
Temporary Agricultural Worker (H-2A)	1.0%	1.1%	1.0%	1.9%
Temporary Non-Agricultural Worker (H-2B)	1.5%	1.5%	1.1%	1.7%
Blanket L Petition	1.9%	2.0%	1.8%	1.4%
Intracompany Transferee Executive or Manager (L-1A)	15.1%	11.5%	9.2%	8.2%
Intracompany Transferee Specialized Knowledge (L-1B)	19.0%	15.6%	10.2%	7.7%
Individuals with Extraordinary Ability or Achievement (O)	5.4%	6.8%	5.5%	6.1%
Athletes, Artists and Entertainers (P)	6.8%	8.0%	6.5%	6.3%
Temporary Nonimmigrant Religious Workers (R-1)	4.5%	5.6%	4.0%	5.0%
NAFTA Professionals (TN)	8.6%	7.2%	6.8%	5.2%

Source: USCIS, National Foundation for American Policy. The H-1B denial rates combine initial employment and continuing employment cases.

BLOCKED ADJUDICATIONS AND A SIGNIFICANT INCREASE IN PENDING CASES

Pending cases and the Trump administration’s blocking the adjudication of cases from numerous countries must be considered in evaluating immigration policies. USCIS had a “net backlog” of 6.3 million applications at the end of FY 2025, an increase of 65%, or 2.5 million, between the fourth quarter of FY 2024 and the fourth quarter of FY 2025. Approximately 871,000 of the 2.5 million increase in the backlog reflects the Trump administration’s decision to end Temporary Protected Status for nearly all countries. Another 768,500 is from terminating parole for Cubans, Haitians, Nicaraguans and Venezuelans. “As part of this termination process, USCIS issued notices to aliens with an approved Employment Authorization Document (EAD) based on their parole (category (c)(11),” according to USCIS.⁴

Between the fourth quarter of FY 2024 and the fourth quarter of FY 2025, the net backlog for I-129 petitions for a nonimmigrant (temporary) worker increased by more than 54,000, rose by 58,400 for I-140 immigration petitions for alien workers and increased by over 200,000 for applications to replace a permanent resident card. The backlog for I-485 forms to register permanent residence or adjust status also increased.

⁴ Net Backlog by Form Type as of September 30, 2025, USCIS. USCIS defines the “net backlog” as the “gross backlog minus any customer induced delays (i.e., RFE, intent to deny, etc.) and visa unavailable cases.”

Analysis of USCIS Denial Rates for Skilled Immigrants and Temporary Visas

The frontlog of unopened applications increased from zero at the end of FY 2024 to 247,974 by the end of FY 2025. USCIS defines its frontlog as “the applications that are unopened, and not yet data entered by the last day of the Fiscal Quarter.”⁵

The Trump administration has reduced the projected level of legal immigration to the United States by more than 600,000 immigrants during Donald Trump’s second term, according to a National Foundation for American Policy estimate. The administration has lowered refugee admissions by more than 100,000 a year, or by at least 400,000 by 2028. NFAP finds that over the next three years, the Trump administration’s ban on the Immediate Relatives of U.S. Citizens from multiple countries via the Dec. 16 [proclamation](#) could reduce legal immigration to the United States by more than 200,000.

Two memos from USCIS Director Joseph Edlow suspended processing within the country for people from 19 countries, then 39 countries. That action has resulted in several lawsuits.⁶ Under the Dec. 16 proclamation, nationals of 19 countries cannot enter the United States on immigrant or temporary visas: Afghanistan, Burkina Faso, Burma, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Laos, Libya, Mali, Niger, Sierra Leone, Somalia, South Sudan, Sudan, Syria and Yemen.

Nationals of 19 additional countries cannot enter the United States on an immigrant visa or in four temporary visa categories (B, F, M and J): Angola, Antigua and Barbuda, Benin, Burundi, Cote d’Ivoire, Cuba, Dominica, Gabon, The Gambia, Malawi, Mauritania, Nigeria, Senegal, Tanzania, Togo, Tonga, Venezuela, Zambia and Zimbabwe. (Nationals of Turkmenistan cannot enter on immigrant visas, and individuals cannot enter the United States on travel documents from the Palestinian Authority.)

The most significant impact of the Dec. 16 proclamation will be on the individuals affected, U.S. citizens who want to sponsor close relatives for immigration from the 39 countries, employers that wish to hire them and U.S. universities that want to enroll these individuals as students. According to an NFAP estimate of the Dec.16 proclamation, prohibiting the entry of the Immediate Relatives of U.S. Citizens (spouses, children and parents) will reduce immigration to the United States by approximately 50,000 to 76,000 a year, depending on whether processing is permitted for adjustment of status inside the United States. USCIS has said it will hold pending applications and “re-review” cases approved since January 20, 2021, for individuals from the 39 countries.

⁵ Frontlog for All Forms as of September 30, 2025, USCIS.

⁶ See memos at <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0192-PendingApplicationsHighRiskCountries-20251202.pdf> and <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0194-PendingApplicationsAdditionalHighRiskCountries-20260101.pdf>.

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) non-profit, non-partisan public policy research organization based in Arlington, Virginia, focusing on trade, immigration and related issues. Advisory Board members include Columbia University economist Jagdish Bhagwati, Cornell Law School professor Stephen W. Yale-Loehr, Ohio University economist Richard Vedder and former INS Commissioner James Ziglar. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com. X.com: [@NFAPResearch](https://twitter.com/NFAPResearch) Bluesky: [@NFAPResearch.bsky.social](https://bsky.app/profile/NFAPResearch.bsky.social)