

JUSTICE NEWS

Department of Justice

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Justice Department Cautions Employers Seeking H-1B Visas Not to Discriminate Against U.S. Workers

The Justice Department cautioned employers petitioning for H-1B visas not to discriminate against U.S. workers. The warning came as the federal government began accepting employers' H-1B visa petitions for the next fiscal year. The H-1B visa program allows companies in the United States to temporarily employ foreign workers in specialty occupations such as science and information technology.

The anti-discrimination provision of the Immigration and Nationality Act (INA) generally prohibits employers from discriminating against U.S. workers because of their citizenship or national origin in hiring, firing and recruiting. Employers violate the INA if they have a discriminatory hiring preference that favors H-1B visa holders over U.S. workers.

"The Justice Department will not tolerate employers misusing the H-1B visa process to discriminate against U.S. workers," said Acting Assistant Attorney General Tom Wheeler of the Civil Rights Division. "U.S. workers should not be placed in a disfavored status, and the department is wholeheartedly committed to investigating and vigorously prosecuting these claims."

The division's Immigrant and Employee Rights Section (IER), formerly known as the Office of Special Counsel for Immigration-Related Unfair Employment Practices, is responsible for enforcing the anti-discrimination provision of the INA. The statute prohibits, among other things, citizenship, immigration status and national origin discrimination in hiring, firing or recruitment or referral for a fee; unfair documentary practices; retaliation and intimidation.

For more information about protections against employment discrimination under immigration laws, call IER's worker hotline at [1-800-255-7688](tel:1-800-255-7688) ([1-800-237-2515](tel:1-800-237-2515), TTY for hearing impaired); call IER's employer hotline at [1-800-255-8155](tel:1-800-255-8155) ([1-800-237-2515](tel:1-800-237-2515), TTY for hearing impaired); sign up for a free webinar; email IER@usdoj.gov; or visit IER's English and Spanish websites.

Applicants or employees who believe they were subjected to discrimination based on their citizenship, immigration status, or national origin in hiring, firing or recruitment or referral, should contact IER's worker hotline for assistance.

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Civil Rights Division

Topic:

Civil Rights

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