

US DEPARTMENT OF LABOR ANNOUNCES PLANS TO PROTECT AMERICAN WORKERS FROM H-1B PROGRAM DISCRIMINATION

WASHINGTON – The U.S. Department of Labor announced plans today to protect U.S. workers from H-1B program discrimination by providing greater transparency and oversight.

The program allows employers to hire highly skilled foreign workers in specialty occupations. The H-1B visa program authorizes the temporary employment of qualified individuals who are not otherwise authorized to work in the U.S. In recent years, some employers have used the H-1B program to hire foreign workers despite American workers being qualified and available for work or even to replace American workers.

The department fully supports the U.S. Department of Justice in cautioning employers who petition for H-1B visas not to discriminate against U.S. workers, as well as the U.S. Department of Homeland Security's measures to further deter and detect H-1B visa fraud and abuse.

The department will protect American workers against discrimination through the following actions:

- **Rigorously use all of its existing authority to initiate investigations of H-1B program violators.** This effort to protect U.S. workers will also involve greater coordination with other federal agencies, including the departments of Homeland Security and Justice for additional investigation and, if necessary, prosecution.
- **Consider changes to the Labor Condition Application for future application cycles.** The Labor Condition Application, which is a required part of the H-1B visa application process, may be updated to provide greater transparency for agency personnel, U.S. workers and the general public.
- **Continue to engage stakeholders on how the program might be improved to provide greater protections for U.S. workers, under existing authorities or through legislative changes.**

To further deter and detect abuse, U.S. Citizenship and Immigration Services has established an email address (<mailto:REPORH1BABUSE@USCIS.DHS.GOV>) which will allow individuals (including both American workers and H-1B workers who suspect they or others may be the victim of H-1B fraud or abuse) to submit tips, alleged violations and other relevant information about potential H-1B fraud or abuse. Individuals also can report allegations of H-1B violations by submitting Form WH-4 (https://www.dol.gov/whd/forms/fts_wh4.htm) to the department's Wage and Hour Division.

For more information about the department's foreign labor certification program, visit <https://www.foreignlaborcert.doleta.gov/> (<https://www.foreignlaborcert.doleta.gov/>). For more information on enforcement of the nondiscrimination requirements of the H-1B program, visit <https://www.dol.gov/whd/immigration/h1b.htm> (<https://www.dol.gov/whd/immigration/h1b.htm>).

ETA & OPA News Release: 04/04/2017

Media Contact Name: Jillian Rogers

Email: rogers.jillian.b@dol.gov (<mailto:rogers.jillian.b@dol.gov>)

Phone Number: (202) 693-4676 (tel:%28202%29693-4676)

Media Contact Name: Egan Reich

Email: reich.egan@dol.gov (<mailto:reich.egan@dol.gov>)

Phone Number: (202) 693-4960 (tel:%28202%29693-4960)

Release Number: 17-0407-NAT

[Share This](#)