

H-1B Violations That Can Harm U.S. Workers

Employers sometimes misuse the H-1B visa program in ways that can harm U.S. workers. The Wage and Hour Division (WHD) is focused on safeguarding the rights, wages, and job opportunities of highly skilled U.S. workers.

POSSIBLE H-1B VIOLATIONS INCLUDE:

- **Displacement:** Your employer, who is H-1B dependent or a willful violator, removes you from your job so they can use an H-1B worker with a bachelor's degree and earning less than \$60,000 per year in an essentially equivalent role.
- **Failure to recruit U.S. workers:** Your employer, who is H-1B dependent or a willful violator, does not take real, good-faith steps to recruit qualified U.S. workers before hiring non-exempt H-1B workers.
- **Not offering the job to a qualified U.S. worker:** For H-1B-dependent employers or willful violators, your employer hires a non-exempt H-1B worker even when you are equally or better qualified.
- **Retaliation:** Your employer intimidates, threatens, or takes action against you for asking questions or reporting concerns about H-1B practices.
- **Use of H-1B workers during strikes or lockouts:** Your employer brings in or continues to use H-1B workers at a worksite where a strike or lockout is happening in the same type of job.
- **Misrepresentation:** Your employer knowingly provides false information about the job duties or requirements in their H-1B paperwork to avoid hiring U.S. workers.

(continued on reverse)

for U.S. Workers

H-1B

WAGE AND HOUR DIVISION



U.S. Department of Labor
Wage and Hour Division

This card summarizes possible violations by employers using the H-1B visa program that can harm U.S. workers. For more information call toll-free: **1-866-4US-WAGE (1-866-487-9243)** or visit online: **dol.gov/agencies/whd**

- **Failure to pay correct wages:** Your employer undercuts U.S. worker wages by offering H-1B workers lower wages than it offers to similarly employed U.S. workers with the same job with similar experience and qualifications.
- **Failure to provide benefits:** Your employer undercuts U.S. worker benefits by offering H-1B workers fewer benefits than it offers to U.S. workers.
- **Adverse effect on U.S. worker working conditions:** Your working conditions (e.g., hours, shifts, vacation periods, and seniority-based preferences) are adversely affected by your employer's employment of H-1B workers.

For information, assistance, or to report a concern, scan the code below, go to **dol.gov/agencies/whd** or call us toll-free at 866-4USWAGE (866-487-9243).

