



## U.S. Citizenship and Immigration Services

# Buy American, Hire American: Putting American Workers First

[Versión en español](#)



On April 18, 2017, President Trump signed the [Buy American and Hire American Executive Order](#), which seeks to create higher wages and employment rates for U.S. workers and to protect their economic interests by rigorously enforcing and administering our immigration laws. It also directs DHS, in coordination with other agencies, to advance policies to help ensure H-1B visas are awarded to the most-skilled or highest-paid beneficiaries.

USCIS is working on a combination of rulemaking, policy memoranda, and operational changes to implement the Buy American and Hire American Executive Order. We are creating and carrying out these initiatives to protect the economic interests of U.S. workers and prevent fraud and abuse within the immigration system.

On July 26, 2017, over 760 callers participated in our first listening session on the Buy American and Hire American Executive Order to protect American workers and strengthen the American economy. We heard from many stakeholders who have experienced up-close how immigration policy directly affects working people. Their suggestions captured a wide range of diverse opinions and viewpoints, but every caller expressed the need to continue improving the integrity of our immigration system, a call for action that we are actively answering.

## Employment Eligibility

To help reduce illegal immigration and preserve jobs for U.S. workers, USCIS encourages all U.S. employers to verify the employment eligibility of all new hires through [E-Verify](#). Our website explains the [E-Verify process](#) in three easy steps. Search a list of [current E-Verify Employers](#) and browse a list of upcoming [E-Verify webinars](#).

## Enhancing Fraud Detection and Prevention

USCIS is committed to detecting and preventing immigration fraud and abuse by:

- Making it easy for you to report fraud. Read about how you can report fraud in two programs:
  - H-1B: [Combating Fraud and Abuse in the H-1B Visa Program](#)
  - H-2B: [Combating Fraud and Abuse in the H-2B Visa Program](#)

We also encourage you to visit the [Department of Labor's Wage and Hour Division](#) for information on reporting fraud and abuse.

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- Enhancing information sharing with the Department of State, Department of Labor, and Department of Justice. This inter-governmental information sharing will help to combat and prevent immigration fraud as well as streamline and improve existing and new processes in our immigration system, including how we issue visas.
  - On May 11, 2018, USCIS and the Department of Justice signed a [Memorandum of Understanding](#) that expands their collaboration to better detect and eliminate fraud, abuse, and discrimination by employers bringing foreign workers to the United States. This new effort improves the way the agencies share information, collaborate on cases, and train each other's investigators. Read the [full MOU \(PDF, 2.00 MB\)](#).
- Enhancing the [current site visit program](#) to further ensure the integrity of the immigration system. For example, USCIS is expanding its site visit program to include L-1B petitions. USCIS is initially focusing on employers petitioning for L-1B workers who will primarily work offsite at another company or organization's location to ensure that they are complying with the requirements from the L-1 Visa Reform Act of 2004. These requirements were meant to help prevent United States workers from being displaced by foreign workers. For further information, visit our [L-1B Intracompany Transferee Specialized Knowledge](#) page.

## Reports and Data: Transparency for U.S. Workers

### H-1B Datasets

These datasets provide information about the hiring practices of employers who petition for foreign national workers.

- Characteristics of Specialty Occupation Workers (H-1B) Fiscal Year 2016: [PDF version \(PDF, 3.03 MB\)](#)
- H-1B Trends: 2007 to 2017: [PDF version \(PDF, 92 KB\)](#); [CSV version \(CSV, 16 KB\)](#)
- Approved H-1B Petitions by Employer
  - FY2017: [PDF version \(PDF, 13.11 MB\)](#); [CSV version \(CSV, 2.68 MB\)](#)
  - FY2016: [PDF version \(PDF, 13.82 MB\)](#); [CSV version \(CSV, 2.63 MB\)](#)
  - FY2015: [PDF version \(PDF, 13.40 MB\)](#); [CSV version \(CSV, 1.80 MB\)](#)
- Approved H-1B Petitions for Workers with Changes of Status or Extensions of Stay Calendar Years 2014-2016: [PDF version \(PDF, 208 KB\)](#)

### H-2B Dataset

- Approved H-2B Cap-Subject Beneficiaries by Job Code, Fiscal Year 2017: [PDF version \(PDF, 1.10 MB\)](#); [CSV version \(CSV, 151 KB\)](#)

### EAD Reports

These reports provide an overview of all categories for which employment authorization documents (EAD) are provided to foreign nationals. They also specify which employment authorization classes are specifically authorized by statute and which classes are provided to foreign nationals as a matter of the discretion of the Secretary of Homeland Security.

- EADs by Classification and Statutory Eligibility, Oct. 1, 2012 - June 29, 2017: [PDF version \(PDF, 110 KB\)](#); [CSV version \(CSV, 2 KB\)](#)
- EADs by Classification and Basis for Eligibility, Oct. 1, 2012 - June 29, 2017: [PDF version \(PDF, 116 KB\)](#); [CSV version \(CSV, 5 KB\)](#)
- I-765 Applicants for Employment Authorization for H-4 Non-Immigrants by Gender and by Country of Birth FY 2015-2018: [PDF version \(PDF, 212 KB\)](#)

### L-1 Datasets

- Approved L-1 Petitions by Employer
  - FY2017: [PDF version \(PDF, 6.04 MB\)](#); [CSV version \(CSV, 1.03 MB\)](#)

- FY2016: [PDF version \(PDF, 6.01 MB\)](#); [CSV version \(CSV, 929 KB\)](#)
- FY2015: [PDF version \(PDF, 5.68 MB\)](#); [CSV version \(CSV, 886 KB\)](#)

## Policy Memoranda

See related policy memorandum

- Contracts and Itineraries Requirements for H-1B Petitions Involving Third-Party Worksites: [PDF Version \(PDF, 119 KB\)](#)
  - This policy clarifies existing regulatory requirements relating to H-1B petitions filed for workers who will be employed at one or more third-party worksites. It makes clear that employers must provide contracts and itineraries for employees who will work at a third-party location and that USCIS may request detailed documentation to ensure a legitimate employer-employee relationship is maintained while an employee is working at a third-party worksite.
  - See the [news release](#) for more information.
- L-1 Qualifying Relationships and Proxy Votes: [PDF Version \(PDF, 95 KB\)](#)
  - The new policy memorandum clarifies that when proxy votes are a determining factor in establishing control, the petitioner must now show the proxy votes are irrevocable from the time of filing through the time USCIS adjudicates the petition, along with evidence the relationship will continue during the approval period requested. Previous guidance did not address whether proxy votes must be irrevocable to establish control.
  - See the [news release](#) for more information
- TN Nonimmigrant Economists Are Defined by Qualifying Business Activity: [PDF version \(PDF, 71 KB\)](#)
  - This policy update clarifies that professional economists requesting TN status must engage primarily in activities consistent with the profession of an economist. Individuals who work primarily in other occupations related to the field of economics — such as financial analysts, marketing analysts, and market research analysts — are not eligible for classification as a TN economist.
  - See the [news release](#) for more information.
- Rescission of Guidance Regarding Deference to Prior Determinations of Eligibility in the Adjudication of Petitions for Extension of Nonimmigrant Status: [PDF version \(PDF, 97 KB\)](#)
  - Under updated [policy guidance \(PDF, 97 KB\)](#), U.S. Citizenship and Immigration Services (USCIS) is instructing its officers to apply the same level of scrutiny to both initial petitions and extension requests for nonimmigrant visa categories. The guidance applies to all nonimmigrant classifications filed using [Form I-129, Petition for a Nonimmigrant Worker](#).
  - See the [news release](#) for more information.
- Definition of “Affiliate” or “Subsidiary” for Purposes of Determining the H-1B ACWIA Fee: [PDF version \(PDF, 80 KB\)](#)
  - The American Competitiveness and Workforce Improvement Act (ACWIA) establishes that certain petitioners must pay a fee when filing an H-1B petition with USCIS. This fee pays for U.S. citizens, lawful permanent residents, and other U.S. workers to attend job training and receive low-income scholarships or grants for mathematics, engineering, or science enrichment courses administered by the National Science Foundation and the Department of Labor (DOL). *8 U.S.C. 1356(s)(2) - (4)*.
  - This policy memorandum directly supports the [“Buy American and Hire American” Executive Order](#), as its purpose is to “protect the interests of United States workers in the administration of our immigration system.” The intent is to have consistency in collecting the 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.

