

2<sup>nd</sup> ANNIVERSARY

# Buy American and Hire American ACCOMPLISHMENTS

As part of our efforts to fulfill President Trump's Buy American and Hire American Executive Order, USCIS has taken numerous actions to strengthen policies and regulations designed to protect U.S. workers and their wages, enhance fraud detection and prevention in employment-based visa programs, and increase the transparency of employment-based visa programs. Below are many of the actions USCIS has taken to implement the president's executive order. USCIS has also proposed additional actions, as outlined in the Unified Agenda.

## STRENGTHEN POLICIES AND REGULATIONS TO PROTECT U.S. WORKERS & THEIR WAGES



To combat H-1B abuse, USCIS issued policy guidance related to petitions for H-1B workers who will work at third-party worksites.



USCIS instructed officers to apply the same level of scrutiny to both initial and extension requests for certain employment-based visa programs, and emphasized that the burden of proof for an immigration benefit request lies with the petitioner.



USCIS issued policy guidance to better reflect Congressional intent regarding when certain H-1B petitioners must pay a higher fee to help train U.S. workers.



To ensure the integrity of the L-1 visa program, USCIS clarified that a proxy vote must be irrevocable to establish the requisite control of a company in an L-1 visa petition.



USCIS issued clarifying guidance on NAFTA TN status eligibility for economists, requiring that individuals must engage primarily in activities consistent with the profession.



USCIS has finalized a rule making simple and smart changes to the H-1B cap selection process to increase the chances of selection for beneficiaries who have earned a master's or higher degree from a U.S. institution of higher education.



To prevent abuse and the displacement of U.S. workers, USCIS clarified calculation guidelines for the L-1 one-year foreign employment requirement to ensure beneficiaries spend at least one year overseas.



The Departments of Homeland Security and Labor have proposed a rule to modernize recruitment requirements for H-2B employers to make it easier for U.S. workers to find and fill available jobs.



## ENHANCE FRAUD DETECTION AND PREVENTION IN EMPLOYMENT-BASED VISA PROGRAMS

 USCIS created H-1B and H-2B fraud reporting tip lines.

 USCIS strengthened information sharing with the Departments of State, Labor, and Justice to combat and prevent immigration fraud, as well as streamline and improve existing and new processes in our immigration system. In May 2018, USCIS and the Department of Justice signed a Memorandum of Understanding to expand collaboration to protect U.S. workers from discrimination and combat fraud.

 USCIS enhanced its targeted site visit program, including in the H-1B and L-1B classifications, to ensure that employers and nonimmigrant workers are complying with the terms of approved petitions.

 USCIS has taken action to address concerns that some O and P visa petitioners are falsifying advisory opinions submitted to the agency by allowing labor unions to submit copies of negative consultation letters directly to USCIS.



## INCREASE TRANSPARENCY OF EMPLOYMENT-BASED VISA PROGRAMS

 USCIS provided a statistical overview of foreign workers for all categories in which an Employment Authorization Document is issued.

 USCIS provides data sets that provide information to the public about the hiring practices of employers who petition for foreign national workers.

 For the first time, USCIS released data on gender and country of origin for H-1B petitioners.

 USCIS created the H-1B Employer Data Hub to provide information on employers petitioning for H-1B workers.



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