



U.S. Department of
Homeland Security

Department of Homeland Security and Department of Labor Rule Restores Integrity to H-1B Visa Program

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Today the U.S. Department of Homeland Security announced an interim final rule (IFR) that strengthens the H-1B nonimmigrant visa program to protect U.S. workers, restores integrity to the H-1B program and better guarantees that H-1B petitions are approved only for qualified beneficiaries and petitioners.

The H-1B program was intended to allow employers to fill gaps in their workforce and remain competitive in the global economy, however it has now expanded far beyond that, often to the detriment of U.S. workers. Data shows that the more than a half million H-1B nonimmigrants in the United States have been used to displace U.S. workers. This has led to reduced wages in a number of industries in the U.S. labor market and the stagnation of wages in certain occupations. These latest efforts on H-1B visas are part of a larger Trump Administration goal to protect American workers.

“We have entered an era in which economic security is an integral part of homeland security. Put simply, economic security is homeland security. In response, we must do everything we can within the bounds of the law to make sure the American worker is put first,” said Acting Secretary Chad Wolf. “The Department of Homeland Security is honored to take this important step toward putting Americans first and to continue to implement President Trump’s agenda to keep our economy secure.”

This rule will combat the use of H-1B workers to serve as a low-cost replacement for otherwise qualified American workers.

The new rule will:

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- Narrow the definition of “specialty occupation” as Congress intended by closing the overbroad definition that allowed companies to game the system;
- Require companies to make “real” offers to “real employees,” by closing loopholes and preventing the displacement of the American worker; and,
- Enhance DHS’s ability to enforce compliance through worksite inspections and monitor compliance before, during, and after an H1-B petition is approved.

This IFR will be effective 60 days after its publication in the Federal Register. United States Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), is forgoing the regular notice and comment period to immediately ensure that employing H-1B workers will not worsen the economic crisis caused by COVID-19 and adversely affect wages and working conditions of similarly employed U.S. workers. The pandemic’s economic impact is an “obvious and compelling fact” that justifies good cause to issue this IFR.

Topics: [Citizenship and Immigration Services \(/topics/immigration-and-citizenship-services\)](/topics/immigration-and-citizenship-services/), [Secretary of Homeland Security \(/topics/secretary-homeland-security\)](/topics/secretary-homeland-security/).

Keywords: [Acting Secretary Chad Wolf \(/keywords/acting-secretary-chad-wolf\)](/keywords/acting-secretary-chad-wolf/), [Final Rule \(/keywords/final-rule\)](/keywords/final-rule/), [Visa \(/keywords/visa\)](/keywords/visa/).

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