

## H-1Bs AT A GLANCE

### What are H-1Bs?

**Temporary:** H-1Bs are temporary foreign professionals hired by a U.S. employer.

**Highly skilled:** H-1Bs can be hired only for "specialty occupations," those jobs requiring the equivalent of at least a bachelor's degree in the field.

**Professionals:** H-1Bs must be professionals such as doctors, engineers, professors, accountants, lawyers, physical therapists, and computer professionals.

### How Many Enter and Where Do They Come From?

Under current law, no more than 115,000 H-1B visas can be issued in the next two years, with the cap dropping to 107,500 in 2001. After 2001, the cap drops to 65,000 per year. Even with these numbers, H-1B temporary professionals comprise less than .1% of the U.S. workforce of more than 127 million people. The top 5 source countries for H-1B's currently are India, China, Canada the United Kingdom, and Philippines.

### Why Do Employers Hire H-1Bs?

**Needed skills and Temporary Shortages:** Employers hire H-1B professionals to obtain essential technical skills or knowledge that is relatively unique and not readily found in the U.S. or to fulfill temporary shortages of needed skills.

**Global market expertise:** Employers often need H-1B professionals to bring special expertise in overseas needs, markets or trends that enables U.S. businesses to compete globally.

### What Must Employers Do?

**Protect wages:** Employers must pay a wage to every H-1B worker that is at least as much as what is typically paid in the region for that type of work ("prevailing wage"), or what the employer pays existing employees with similar experience and duties.

**Protect working conditions:** Employers cannot use H-1B professional to break a strike, and must notify their U.S. workforce when they hire an H-1B professional. Employers cannot make the H-1B nonimmigrants work under conditions different from their U.S. counterparts, including hours, shifts and benefits.

**Recruit in the U.S. and Not Displace U.S. workers:** Employers who use a lot of H-1Bs must first try to find U.S. workers before they can hire an H-1B. They also must attest that they are not hiring the H-1B if they have laid off or displaced a similarly situated U.S. worker. Employers must attest to the above protections by affirmatively filing with the Department of Labor (DOL) and by maintaining a file open to the public.

**Be subject to penalties:** Failure to comply with DOL regulations can result in an audit, civil and administrative penalties, payment of back wages, and even debarment from participating in key immigration programs.

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