



# Protecting America's Highly Skilled Workforce with Project Firewall

Project Firewall is the [Wage and Hour Division's](#) (WHD) enforcement initiative to protect highly skilled U.S. workers and maximize compliance with the H-1B visa program. The initiative strengthens our efforts to hold employers accountable when they misuse the H-1B visa program and helps ensure qualified American workers are not unfairly displaced.

## Legal Protections for U.S. Workers under the H-1B Program

The [H-1B visa program](#) sets standards designed to prevent adverse effects on similarly employed U.S. workers. Special attestations apply to [exempt H-1B workers](#), [H-1B-dependent employers](#) and [willful violators](#) who employ nonexempt H-1B workers.

### All H-1B Employers:

- **MUST** provide notice of the [Labor Condition Application](#) to relevant U.S. workers on or before the date of filing.
- **MUST NOT** intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against a U.S. worker or applicant who has exercised [whistleblower rights](#) under the program.
- **MUST NOT** employ an H-1B worker at a worksite where a strike/lockout in their occupational classification is in progress.
- **MUST NOT** employ H-1B workers in such a way that the working conditions (e.g., hours, shifts, vacation periods, and seniority-based preferences) of its similarly employed U.S. workers are adversely affected.
- **MUST NOT** undercut U.S. worker wages by paying H-1B workers less than an applicable collectively bargained wage, a statistically derived prevailing wage, or the wage it pays to U.S. workers with the same job with similar experience and qualifications.
- **MUST NOT** undercut U.S. worker benefits by offering H-1B workers fewer benefits than U.S. workers.

### H-1B Dependent Employers and Willful Violators Who Employ Nonexempt H-1B workers:

- **MUST** take good faith steps to recruit U.S. workers for the job.
- **MUST** offer the job to an equally or better-qualified U.S. worker before hiring an H-1B worker.
- **MUST NOT** lay off or displace the U.S. worker from a job that is essentially the equivalent of the job for which the H-1B worker is sought.

## Violations and Getting Help

When employers violate H-1B visa program requirements, WHD may:

- Recover back wages owed to workers.
- Seek reimbursement of required fringe benefits.
- Assess [civil money penalties](#), depending on the type or severity of the violation.
- Impose debarment, limiting an employer's access to the H-1B visa program and certain other immigration programs for at least one year.

### How to Report a Violation

- Report H-1B violations by submitting [Form WH-4](#) to your [nearest WHD office](#).
- [Report civil rights violations](#) as a U.S. worker to the Civil Rights Division of the Department of Justice.