

Fact Sheet #62L: What benefits must be offered to H-1B workers?

This fact sheet provides general information concerning benefits for H-1B workers under the H-1B program.

The employer must offer benefits to H-1B workers on the same basis, and in accordance with the same criteria, as the benefits the employer provides to similarly employed U.S. workers.

What are benefits?

Benefits include the opportunity to participate in such programs such as:

- Health, life, disability, and other insurance plans;
- Retirement and savings plans;
- Cash bonuses; and
- Non-cash compensation such as stock options (whether or not performance-based).

Under what conditions must benefits be offered to H-1B workers employed by multinational firms?

For an H-1B worker placed in the U.S. for 90 or fewer continuous days, no benefits need to be offered if the worker remains on the home country payroll and continues to receive home country benefits without interruption. The employer must treat its U.S. workers in the same manner when they are employed outside the United States.

H-1B workers placed in the United States for more than 90 continuous days must meet the above conditions and also receive the home country benefits that are equivalent to those offered by the firm to its similarly employed U.S. workers.

All requirements listed above can be found in 20 CFR § 655 Subparts H & I and the Immigration and Nationality Act § 212(n).

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243). This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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