



U.S. DEPARTMENT OF LABOR

News Release

U.S. DEPARTMENT OF LABOR AND U.S. DEPARTMENT OF HOMELAND SECURITY ENTER INTO A MEMORANDUM OF AGREEMENT

WASHINGTON, DC – The U.S. Department of Labor today announced it has entered into a Memorandum of Agreement (MOA) with the U.S. Department of Homeland Security, acting through the U.S. Citizenship and Immigration Services (USCIS). Under this MOA, the Departments will provide access and share information about immigrant and nonimmigrant petition records and data contained within the Office of Foreign Labor Certification's labor certification and labor condition application databases.

Most critically, the MOA establishes processes by which USCIS will refer suspected employer violations within the H-1B program to the Department of Labor that USCIS identifies in the course of adjudicating petitions – a source of information never previously accessed by the Department for enforcement purposes – and conducting administrative and targeted site visits. The enhanced collaboration and sources of information will be used by Department of Labor in support of Secretary-certified investigations.

The Secretary's power to personally initiate investigations of potential violations is a unique authority under the Immigration and Nationality Act that allows for more robust examinations of employers' use of H-1B workers than are ordinarily undertaken. No previous Secretary of Labor has ever exercised this authority. As part of his broader effort to protect the interests of American workers during the coronavirus public health emergency, President Trump directed the Secretary of Labor to make use of this important enforcement power in Presidential Proclamation 10052. The MOA signed today will be central to the Department's work carrying out the President's policy of ensuring that the use of foreign labor does not harm American workers.

The MOA also sets procedures for the exchange of data as well as the responsibilities regarding the use, retention, maintenance, dissemination, destruction, and safeguarding of data.

Information sharing is intended to support the administration of U.S. immigration law and

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combat fraud and abuse in the immigration system.

“Since the beginning of the pandemic, President Trump has taken steps to ensure that American workers are well positioned to return to work as jobs come back online,” stated Secretary of Labor Eugene Scalia. “The agreement signed today protects American workers by giving the Department of Labor an important new ability to launch investigations of potential fraud and abuse in the H-1B visa system.”

The MOA supersedes and replaces the MOA dated Jan. 12, 2017, and the corresponding 2019 addendum. It will be reviewed annually by both Departments.

The mission of the Department of Labor is to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

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