

US SECRETARY OF LABOR PROTECTS AMERICANS, DIRECTS AGENCIES TO AGGRESSIVELY CONFRONT VISA PROGRAM FRAUD AND ABUSE

WASHINGTON – After a thorough review of the U.S. Department of Labor’s foreign worker visa programs, Secretary of Labor Alexander Acosta announced actions to increase protections of American workers while more aggressively confronting entities committing visa program fraud and abuse.

“Entities who engage in visa program fraud and abuse are breaking our laws and are harming American workers, negatively affecting Americans’ ability to provide for themselves and their families. We will enforce vigorously those laws, including heightened use of criminal referrals,” said Secretary Acosta. “The U.S. Department of Labor will focus on preventing visa program abuse and take every available legal action against those who abuse these programs.”

The secretary determined that it is now the policy of the department to enforce vigorously all laws within its jurisdiction governing the administration and enforcement of non-immigrant visa programs, including:

- Directing the department’s Wage and Hour Division to use all its tools in conducting civil investigations to enforce labor protections provided by the visa programs.
- Directing the department’s Employment and Training Administration to develop proposed changes to the Labor Condition Application, and for the division to review their investigatory forms, to better identify systematic violations and potential fraud, and provide greater transparency for agency personnel, U.S. workers and the general public.
- Directing the division, ETA and the Office of the Solicitor to coordinate the administration and enforcement activities of the visa programs and make referrals of criminal fraud to the Office of the Inspector General.
- Establishing a working group made up of senior leadership from ETA, the division and Solicitor’s office to supervise this effort and coordinate enforcement to avoid duplication of efforts and maximize the efficiency of the department’s activities regarding the visa programs. The working group shall invite OIG to send representatives to participate in its efforts.

The department will also continue to work with the departments of Justice and Homeland Security to further investigate and detect visa program fraud and abuse.

In addition, work has already begun on promoting the hiring of Americans and safeguarding working conditions in the U.S. The department has begun to prioritize and publicize the investigation and prosecution of entities in violation of visa programs. For example, in the first successful legal action of its kind by the department, the department obtained a preliminary injunction under the H-2A visa program from the U.S. District Court for Arizona against G Farms for illegal and life-threatening housing provided to agricultural workers. The department continues to investigate the violations at G Farms and has also been in contact with the OIG on this matter.

The department’s OIG has focused substantial investigative resources towards combating visa-related fraud schemes. Their sustained efforts have led to significant results, including convictions of attorneys, employers, recruiters, corrupt government employees and labor brokers. Highlights of some of OIG’s recent successes combating fraud in the H-1B program, for example, are available here: <https://www.oig.dol.gov/OIGBrief-H1B.pdf> (<https://www.oig.dol.gov/OIGBrief-H1B.pdf>)

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