

H-1B PROFESSIONALS AT A GLANCE

Who Are H-1B Professionals?:

- **Temporary highly educated professionals:** H-1B visa holders are foreign professionals who are hired by a U.S. employer to temporarily fill “specialty occupations,” those jobs requiring a bachelor's degree or the equivalent. H-1B professionals include teachers, doctors, engineers, professors, lawyers, physical therapists, and computer professionals. Still, these professionals comprise a low percentage of the workforce: less than **one-tenth of one percent** of the U.S. workforce of more than 127 million people.

Employers Hire H-1B Professionals for Three Reasons:

- **To provide specialized or unique skills:** Employers hire H-1B professionals to obtain cutting edge technical skills or expertise that is relatively unique and not readily found in the U.S. Roughly half of the students graduating with advanced degrees from U.S. universities in math and sciences are foreign nationals. If U.S. employers cannot hire these professionals with cutting edge knowledge and research experience, they will go abroad and work for our competitors, undermining our preeminence in a variety of scientific and technical fields—areas vital to our national security.
- **To relieve temporary worker shortages:** H-1B professionals fill positions when there is a temporary shortage of workers with specific skills in a specific field, thus allowing employers to respond quickly to shifts in the labor market.
- **To supply global market expertise:** Employers often need H-1B professionals to provide special expertise in overseas economic trends and related issues, enabling U.S. businesses to prosper on a global level and allowing the U.S. to retain its competitive edge.

Employers Must Protect U.S. Workers When They Hire H-1B Professionals:

- **Help Train and Protect Americans:** Employers must pay a \$1,500 training fee for each H-1B petition they file in addition to the other fees associated with the H-1B visa program. This fee goes to scholarship and other training programs to help train Americans in critical industries.
- **Safeguard wages and working conditions:** Employers must pay each H-1B professional a wage that is the higher of either the typical wage in the region for that type of work (“prevailing wage”), or what the employer actually pays existing employees with similar experience and duties. Employers cannot use H-1B professionals to break a strike and must notify their U.S. workforce when hiring an H-1B professional. Employers cannot make the H-1Bs 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-1B visas first must try to find U.S. workers before they can hire an H-1B professional. They also must attest that they are not using an H-1B visa if they have laid-off or displaced a similarly situated U.S. worker.

Numerical Cap on H-1B Professionals Undermines American Competitiveness:

- **A rigid cap restricts employers’ access to professional workers:** The numerical cap limiting the H-1B visa program for FY2008 was reached an unprecedented six months prior to the start of the fiscal year. This marked the fifth consecutive year that this arbitrary numerical limit, set more than a decade ago, has been triggered before the end of the fiscal year. The U.S. needs increased access to H-1B professionals. Simply put, without more access to H-1Bs, our businesses suffer, and the U.S. stands to lose rapidly not only the competitive economic edge generations of Americans have worked so hard to achieve, but also its preeminence in a variety of scientific and technical fields—areas vital to our prosperity and national security.