

Proposed Changes to H-1B and L-1 Visa Programs

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In March 2023, U.S. Sens. Dick Durbin (D-Ill.) and Chuck Grassley (R-Iowa) reintroduced the [“H-1B and L-1 Visa Reform Act.”](#) This proposed legislation, which has gone through various iterations since 2007, would modify requirements related to nonimmigrant visa programs for H-1B (specialty occupation) visas and L-1 (intracompany transfer) visas. The bipartisan proposal has co-sponsorship from others, including U.S. Sens. Tommy Tuberville (R-Ala.), Bernie Sanders (I-Vt.), Sherrod Brown (D-Ohio), and Richard Blumenthal (D-Conn.). In March 2023, House Rep. Bill Pascrell Jr., (D-N.J.) also introduced companion legislation to the H-1B and L-1 Visa Reform Act. The stated goal of this legislation is amend the H-1B and L-1 visa programs to prevent abuse and ensure American workers are not disadvantaged by the programs.

The proposed legislation’s exact text is not available yet. [Media reports about its contents and proposed changes include:](#)

- Revising the definition of an H-1B “specialty occupation” to only include positions that require a bachelor’s degree or higher, to prioritize advance degree holders.
- Requiring U.S. employers seeking H-1B workers to post the job on a searchable website managed by the U.S. Department of Labor (DOL) accessible to U.S. workers and laid-off H-1B workers.
- Issuing new time limits and evidentiary requirements for L-1 workers’ petitions.
- Updating wage, recruitment, and attestation requirements on U.S. employers seeking H-1B or L-1 workers.
- Expanding DOL enforcement authority, as well as increasing fees for applications.

Employers already face significant fees for filing H-1B and L-1 petitions, including filing fees, fraud prevention and detection fees, and training fees. Additional DOL fees may lead to employers opting to hire domestic talent. The additional cost burden may be felt more by small- and medium-sized businesses that lack the resources to absorb these added expenses.

The proposed changes, as reported, also would signal increased scrutiny of these programs. Such

changes might have broader implications for other employer-sponsored immigration programs, including the PERM process. The proposed new recruitment requirements for U.S. employers seeking H-1B workers, which include posting the job on a searchable website managed by the DOL, are similar to the labor-intensive PERM recruitment process. This may suggest a trend towards more labor market testing for employer-sponsored immigration programs in general. Additionally, DOL's expanded enforcement authority and increased penalties for wage violations may lead to more scrutiny and compliance checks for employers who sponsor foreign workers for any type of visa.

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