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Immigration

Labor Dept. Asks for Data Sources/Methods for Prevailing Wage Determinations

Legal Update

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This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

On April 2, 2021, the Department of Labor invited interested parties to provide information on the sources of data and methodologies for determining prevailing wage levels covering employment opportunities that U.S. employers seek to fill with foreign workers on a permanent or temporary basis through certain employment-based immigrant visas or through H-1B, H-1B1 and E-3 nonimmigrant visas.

The information received in response to this request for information “will inform and be considered by the Department as it reviews the final rule,” *Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*, published on January 14, 2021. The Department said that its review “may result in the development of a future notice of proposed rulemaking to revise the computation of prevailing wage levels in a manner that more effectively ensures the employment of certain immigrant and nonimmigrant workers does not adversely affect the wages of U.S. workers similarly employed.”