

## Instructions for Form WH-4: H-1B Nonimmigrant Information

This form is authorized by 8 U.S.C. 1182(n)(2)(G)(ii) of the American Competitiveness and Workforce Improvement Act of 1998. The information provided on this form will assist the Department of Labor in determining whether the named employer of H-1B nonimmigrants has committed a violation of provisions of the H-1B program. A person can fill out this form to report alleged H-1B violations by an employer. The form must be forwarded to the Wage and Hour Division (WHD) office which has jurisdiction over the physical location of the employer. For WHD locations, see the telephone directories under U.S. Government, Department of Labor, Wage and Hour Division or <http://www.dol.gov/esa/contacts/whd/america2.htm> on the internet.

**WH-4** Please provide as much of the requested information as possible. Attach additional sheets if you need additional space to respond to a question. If you do not understand a term, or need assistance in the completion of this form, please contact the local Wage and Hour office of the U.S. Department of Labor. After you submit the form, a representative from the Department of Labor may contact you if further information is necessary to initiate an investigation.





- (l) Employer failed to maintain and make available for public examination the LCA and necessary documents at the employer's principal place of business or worksite.
- (m) Employer laid off U.S. worker(s) and has replaced or seeks to replace U.S. worker(s) with H-1B worker(s) within 90 days before or after filing H-1B visa petitions.
- (n) Employer placed H-1B worker(s) at another employer's worksite where U.S. workers have been laid off, and/or has failed to inquire of the second employer whether it has or intends to lay-off U.S. worker(s) and replace them with H-1B worker(s).
- (o) Employer failed to recruit U.S. worker(s) for jobs for which H-1B worker(s) are sought.
- (p) Employer failed to hire a U.S. worker who applied and was equally or better qualified for the job for which the H-1B worker was sought. Complaints regarding this violation should be filed with the U.S. Department of Justice, 10<sup>th</sup> and Constitution Ave., N.W., Washington, D.C., 20530.
- (q) Other \_\_\_\_\_

- 5. Date(s) of Alleged Violation(s): \_\_\_\_\_
- 6. Location of Worksite(s) where Alleged Violation(s) occurred: \_\_\_\_\_
- 7. Basis of Knowledge of Alleged Violation(s): \_\_\_\_\_
- 8. Description of facts and circumstances which support allegations in items 4 (a) through (q). Use additional sheets of paper, if necessary.

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**FOR DOL USE ONLY**

Complaint Received/Taken by: \_\_\_\_\_ Date: \_\_\_\_\_

Source of Complaint is:                      Aggrieved Party                      Credible information source

Public Burden Statement: We estimate it will take an average of 20 minutes to complete this form, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the U.S. Department of Labor, Wage and Hour Division, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.