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Executive Order 14431 of September 18, 2026

Enhancing Program Integrity and Interagency Coordination in the Administration of the H–1B Nonimmigrant Visa Program

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose.* The H–1B nonimmigrant visa program was created to identify uniquely skilled and highly specialized foreign temporary workers to strategically supplement the United States economy. Instead, the program has been widely abused by certain employers, third-party placement groups, and outsourcing firms to undercut and displace the supply of skilled United States labor. The large-scale, systematic abuse of the H–1B program to obtain non-qualifying foreign labor has undermined the additive purpose of the program and harmed the wages, working conditions, and job opportunities of skilled American workers.

The abuse of cheaper H–1B labor places downward pressure on domestic pay. H–1B visa holders earn far less than comparable United States-born workers, despite the statutory mandate that H–1B workers be paid equally to their domestic peers, with the estimated wage gap starting at $9,000 and climbing as high as $20,000 in H–1B reliant industries. One company even warned its shareholders that restrictions on cheap H–1B labor could force the company to use ''local'' workers, which ''may only be available at higher wages.''

Many employers have laid off large numbers of highly skilled American workers, only to promptly hire large numbers of H–1B workers who are often lower-skilled and lower-paid. For instance, technology sector employers have collectively requested H–1B visas for hundreds of thousands of workers, yet have also laid off somewhere between 800,000 to 1.3 million American employees from 2022 through 2026. Employers have even forced laid off American workers to train their foreign replacements.

Many jobs held by H–1B workers eventually leave the United States entirely. Employers with outsourcing business models use teams of H–1B visa holders to replace United States workers at third-party client businesses and liaise with other individuals working off-site from their country of origin. As soon as practicable, much of their own work is transferred offshore. In Fiscal Year 2026, the top six users of the H–1B program operating with this outsourcing business model accounted for over 25,000 H–1B cap registrations. One foreign country's foreign minister even publicly admitted that H–1B ''has become the outsourcing visa.''

The systematic and organized abuse of the H–1B program is also a national security threat. Domestic law enforcement agencies have investigated H–1B-reliant outsourcing firms for engaging in visa fraud, conspiracy to launder money, and other illicit activities to encourage foreign workers to come to the United States. Abuses of the H–1B program also present a national security threat by discouraging Americans from pursuing careers in science and technology, risking vital United States leadership in these fields.

Numerous executive departments and agencies (agencies) have flagged employers' large-scale, systematic abuse of the H–1B program to obtain lower-paid, lower-skilled labor from abroad. These ongoing Government probes continue to identify widespread fraud and noncompliance among H–1B employers, such as: displacing American workers or otherwise giving preference to alien workers; misrepresenting the duties, requirements, or working conditions of job opportunities to avoid hiring or training American workers, falsely qualify jobs as specialty occupations, or lower applicable wage requirements; and misrepresenting aliens' qualifications to perform specialty occupations by submitting questionable foreign degrees from diploma mills as support for their H–1B visa applications. The pervasiveness of these violations and the persistence of the violators confirm that more needs to be done to preserve the H–1B program's integrity.

I have determined that continued efforts must be made to protect and prioritize the American workforce. It is therefore the policy of the United States that all relevant agencies shall implement appropriate measures to protect American workers from abuse of the H–1B program and ensure that the program serves the national interest.

Sec. 2. *Interagency Coordination.* When processing petitions, labor condition applications, and visas for the entry into the United States of aliens as nonimmigrants to perform services in a specialty occupation under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (INA) (8 U.S.C. 1101(a)), the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security shall coordinate and consult with the Secretary of Commerce, the Secretary of Education, and the Administrator of the Small Business Administration to ensure the compliance of such petitions, applications, and visas with statutory requirements, including those in sections 101(a)(15)(H)(i)(b), 212(n), 214(i), and 274B of the INA. The Secretary of Commerce, the Secretary of Education, and the Administrator of the Small Business Administration shall provide any relevant wage, employment, academic, industrial, or other economic information.

Sec. 3. *Consideration of Applications, Petitions, and Visas.* (a) Consistent with sections 101(a)(15)(H)(i)(b), 212(n), 214(i), 215(a), and 274B of the INA, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security shall take into account in any labor condition application, petition, visa, and entry of aliens entering or attempting to enter the United States as H–1B nonimmigrants to perform services in a specialty occupation whether the employer sponsor directly or indirectly engaged in layoffs within the previous year or plans future layoffs that negatively affect the employment of similarly situated United States workers.

(b) Within 30 days of the date of this order, the Secretary of Labor, through the Administrator of the Wage and Hour Division, shall begin reviewing data related to previously submitted labor condition applications to determine whether further action against sponsoring employers is warranted under section 212(n)(2)(G).

(c) Pursuant to 3 U.S.C. 301, the authority granted to the President under section 215(a) of the INA is hereby delegated to the Secretary of State, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Homeland Security to the extent necessary to implement this order, including the authority to issue or adopt rules, policies, operational guidance, or other guidance to carry out this order.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

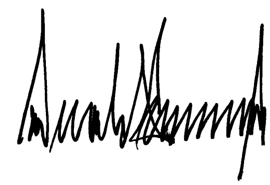
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any person or circumstances, is held to be invalid, the remainder of this order and the application of any of its other provisions to any other persons or circumstances shall not be affected thereby.

(e) The costs for publication of this order shall be borne by the Department of Homeland Security.



THE WHITE HOUSE,
September 18, 2026.

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