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PUBLISHED: OCTOBER 24, 2025

Department of Labor Launches Project Firewall: What Employers Need to Know About H-1B Enforcement

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ELLIE AUGUSTINE
KANSAS CITY:
816.983.8223
ELLIE.AUGUSTINE@
HUSCHBLACKWELL.COM

On September 19, 2025, the U.S. Department of Labor (DOL) announced the launch of Project Firewall, an initiative aimed at enforcing H-1B employer compliance. According to the DOL, Project Firewall is intended to protect the rights, wages, and job opportunities of U.S. workers by ensuring that employers follow federal regulations when sponsoring H-1B workers.

What is Project Firewall?

Project Firewall is an initiative designed to increase oversight of the H-1B visa program primarily through conducting investigations of employers suspected of misusing the H-1B program. The Secretary of Labor may certify investigations when there is reasonable cause to believe that an employer is not in compliance with H-1B requirements.

Main elements of Project Firewall

1. Secretary-certified investigations:

Typically, DOL investigations are driven by complaints made to the DOL's Wage and Hour Division (WHD). Under Project Firewall, the Secretary of Labor will have the authority to directly certify investigations into employers suspected of violating H-1B program rules, which may arise from a complaint, referral by another agency, or a filing made by the employer in connection with an H-1B petition. This is intended to heighten oversight, allowing the DOL to

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initiate investigations if reasonable cause exists to believe that an H-1B employer may not be in compliance.

2. Increased penalties for noncompliant employers:

Employers found to be in violation of H-1B regulations may be subject to a range of consequences, including:

Payment of back wages to affected workers

Civil monetary penalties

Temporary ineligibility to sponsor employees for H-1B status

3. Increased likelihood of multi-agency investigations:

The DOL will coordinate with other government agencies to share information and expand enforcement efforts. The agencies include: the Office of Immigration Policy, Employment and Training Administration, Wage and Hour Division, Civil Rights Division of the Department of Justice, the Equal Employment Opportunity Commission, and U.S. Citizenship and Immigration Services (USCIS). USCIS and DOL have already entered into an agreement to share information. This additional action highlights the potential for employers to face multi-agency investigations and enforcement actions.

Action items for employers

Ensure a public access file exists for each H-1B sponsored employee. Review your H-1B documents to ensure that a physical or electronic file exists with the regulatory required information, including the Labor Condition Application, rate of pay for the H-1B workers, description of the system used to determine the employee's wage, the prevailing wage rate for the employee's position, and documentation that the notice requirement was completed.

Develop a procedure for USCIS and DOL site visits and enforcement investigation. Identify the person(s) within your organization who will respond to site visits and have a procedure for interacting with government officials.

Review your H-1B program. Identify the employees on H-1B visas and ensure their wage meets the prevailing wage requirements on the H-1B petition and that they are working in the position listed and at the location listed in the Labor Condition Application and H-1B petition.

How Husch Blackwell can help

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H-1B compliance reviews: We help organizations review their current processes and documentation to support compliance with DOL and USCIS requirements, including review of Public Access Files.

Policy development and training: We assist in developing and updating immigration-related hiring and employment policies and provide training for HR professionals and management on compliance matters.

Support during investigations: If your organization is involved in a DOL investigation or audit, our attorneys can provide guidance throughout the process.

Workforce planning guidance: We advise on strategies for recruiting and employing foreign talent in accordance with federal regulations.

Risk assessment: We can help identify potential areas of risk in your H-1B and immigration-related employment practices and offer recommendations for addressing those concerns.

Regulatory updates: Our team keeps clients informed about regulatory changes, enforcement trends, and best practices for compliance.

Whether you are seeking to review your H-1B program, respond to enforcement actions, or stay informed about what Project Firewall may mean for your organization, Husch Blackwell is available to assist. Contact us to learn more about how we can support your compliance efforts and workforce strategy.

Husch Blackwell's Business Immigration and Global Mobility team offers a Resource Center with insights to help employers navigate the evolving immigration policy landscape.

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