

Fact Sheet #62T: What is good faith compliance or conformity?

This fact sheet provides general information concerning the “good faith” compliance or conformity provision under the H-1B program.

The H-1B Visa Reform Act of 2004 amendments to the law (effective March 8, 2005) provides a provision under which an H-1B employer is “considered to have complied” in good faith with the program requirements notwithstanding a “technical or procedural failure” to meet such requirements if the employer:

- Made a good faith attempt to comply;
- Voluntarily corrected the failure within 10 business days of having it explained by the Department of Labor or another enforcement agency; and
- Has not engaged in a pattern or practice of willful violations.

A person or entity that, in the course of an investigation, is found to have violated the prevailing wage requirements, shall not be assessed fines or other penalties for such violation if the person or entity can establish that the manner in which the prevailing wage was calculated was consistent with recognized industry standards and practices.

All requirements listed above can be found in 20 CFR § 655 Subparts H & I and the Immigration and Nationality Act § 212(n).

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.