

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 950 (Delegate Fisher, *et al.*)  
Economic Matters

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Labor and Employment - Number of Employees Granted H-1B or L-1 Visa -  
Disclosure

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This bill requires each employer to make available to the public the number of the employer's employees who have been granted an H-1B or L-1 visa by the U.S. Citizenship and Immigration Services (USCIS).

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Fiscal Summary

**State Effect:** The bill does not apply to the State as an employer. State expenditures are not affected because the bill has no investigative authority or enforcement provisions. Revenues are not affected.

**Local Effect:** None. The bill does not apply to local governments as employers.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Under federal law, it is illegal to hire an individual without first making a good faith effort to verify that the individual is not an unauthorized alien. Federal law defines an unauthorized alien with respect to employment as an alien who is either not lawfully admitted to the country for permanent residence or not authorized to be so employed. Employers certify on federal Form I-9 that they have reviewed employees' documentation and that the documents appear genuine.

Under the federal Immigration and Nationality Act, employers with more than three employees may not request more or different documents than are required to verify employment authorization and an employee's identity, and they may not discriminate on the basis of:

- citizenship or immigration status with respect to hiring, firing, and recruiting or referring for a fee; or
- national origin with respect to hiring, firing, and recruiting or referring for a fee.

**Background:** U.S. businesses use the H-1B visa program to employ foreign workers in specialty occupations that require the theoretical or practical application of a body of highly specialized knowledge, including but not limited to scientists, engineers, or computer programmers. For fiscal 2016, there was a regular congressionally mandated cap of 65,000 H-1B visas. An advanced degree exemption is available for the first 20,000 petitions filed for a beneficiary who has obtained a U.S. master's degree or higher. Once that limit is reached, any petitions filed for beneficiaries with a U.S. master's degree or higher will count against the regular cap, unless they are exempt for other reasons. USCIS had received enough petitions to reach the statutory cap of 65,000 H-1B visas for fiscal 2016 in April 2015. At that time, USCIS had also received more than the limit of 20,000 H-1B petitions filed under the advanced degree exemption, also known as the master's cap. USCIS received nearly 233,000 H-1B petitions during the fiscal 2016 filing period, including petitions filed for the advanced degree exemption.

The L-1A nonimmigrant classification enables a U.S. employer to transfer an executive or manager from one of its affiliated foreign offices to one of its offices in the United States. This classification also enables a foreign company that does not yet have an affiliated U.S. office to send an executive or manager to the United States with the purpose of establishing one.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Labor, Licensing, and Regulation; U.S. Citizenship and Immigration Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2016  
mel/mcr

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