

Required Wage

To qualify for certain immigration statuses, the foreign national must be paid the required wage. The required wage is independent from many HR considerations, and, in fact may run counter to HR's guidance.

The required wage is determined by FSIS and is equal to the prevailing wage or the actual wage, whichever is higher. (In the case of green card applications that require a labor certification, the actual wage is not considered.)

The prevailing wage is the wage that people who are in a similar occupation in a given geographic area are paid. This wage is based on external wage data, provided by the Department of Labor, and takes into account the requirements for the position vis-à-vis the requirements that the Department of Labor considers typical for the occupation. Note that many occupations, as defined by the Department of Labor, are quite broad and allow for little flexibility.

The actual wage is the wage that people who are similarly employed with the petitioning employer, i.e. the university, are paid. In theory, this is the wage that people doing the same work with the same level of experience, skills and accomplishments are paid.

In some cases, the prevailing wage is higher than the actual wage and even the offered wage. If the prevailing wage is higher than the offered wage, the offered wage must be increased to meet or exceed the prevailing wage.