



News & Types: Immigration Update

H-1B Employers' Obligations: What is a Public Access File?

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Practices: Immigration

The H-1B cap-subject petitions selected through the Fiscal Year 2027 H-1B selection process conducted in March 2026 may be filed with the U.S. Citizenship and Immigration Services (USCIS) until June 30, 2026. Prior to filing an H-1B petition, the employer must file a Labor Condition Application (LCA) with the Department of Labor (DOL). As a part of the LCA process, the employer must create and maintain a Public Access File (“PAF”). What is a PAF?

A PAF is a set of documents that DOL regulations require H-1B employers to create and maintain for each H-1B worker within one working day after filing an LCA. Certain documentation tied to the LCA must be placed in a PAF, including the certified LCA, the wage rate paid to the H-1B worker, an explanation of the actual wage determination, evidence of workplace posting notices, and a summary of benefits offered to employees. Once created, a PAF must be maintained at least one year from the expiration or withdrawal of the LCA, either at the employer’s principal place of business or at the place of employment.

As you can assume from its name, the file must be publicly accessible. While H-1B employers are not required to provide copies of the documents, any member of the public requesting access to them must be allowed to capture the information through such means as transcription, scanning, or taking photographs.

While these regulations may be burdensome, failure to comply could subject the employer to significant monetary penalties and debarment from the H-1B and permanent residence (Green Card) programs.

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