

## **H1B Worksite Visits by USCIS's Fraud Detection and National Security (FDNS) Unit**

USCIS recently confirmed that its Office of Fraud Detection and National Security has been conducting onsite visits to companies who sponsor H-1B employees in an effort to curb potential visa fraud issues. The site visit program began in July 2009 and includes plans to conduct 25,000 visits in FY 2010 (October 1, 2009 through September 30, 2010). The site visits are in place to verify basic information related to an employer's requirements for H-1B status on behalf of its foreign national employees. This information includes verification of the employment location, payment of prevailing wages, and whether the employee is actually performing the job duties at the work site indicated on the H-1B petition.

The FDNS is currently conducting three types of site visits which include:

- \* Random site visits to review approved H-1B petitions;
- \* Targeted site visits where fraud is suspected; and
- \* Administrative site visits – these visits are often conducted by contract employees who have little or no knowledge of US immigration law. They are tasked with asking a series of questions related to the H-1B position and the sponsoring company's operations with the intention of determining the legitimacy of the petition.

USCIS regulations allow FDNS to conduct site visits without first obtaining a subpoena. Regulations governing the filing of immigration petitions allow the government to take testimony and conduct broad investigations relating to the petitions.

Companies petitioning for H-1B workers and individuals holding H-1B status should be aware of the nature of the job opportunity noted on the underlying H-1B petition, the terms and conditions of employment, and the information related to the foreign national's educational background and prior work history.