

USCIS Site Visits to H-1B Employers: One Employer's Experience

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USCIS, through the "fraud fee," has engaged outside contractors to conduct thousands of site visits to petitioners. Many of these visits are expected to occur after approval of the petition. AILA members are starting to report that clients are receiving these visits. Here is an account of one such visit:

The investigator called the corporate client at its switchboard number and asked for the company's outside attorney by name. The switchboard operator connected the call to the Human Resources Dept. The HR person got the investigator's name and number and told him that she'd call him back.

The attorney then called the investigator. The investigator indicated that he is a federally credentialed private investigator who normally performs background investigations on government employees. He confirmed that this program is part of a DHS fraud detection program. He said that the site visits will normally be conducted without advance notice but here he called first to make sure that he wouldn't have any issues getting on the premises.

The investigator said that, according to the information that he had been supplied, the attorney had signed the petition on behalf of the company. (This was not the case-the attorney only signed as the attorney.)

The investigator said that he was looking to verify two things: (1) is the company a real operating business entity and (2) is the person being sponsored a "legitimate" employee. He said that they were looking for two types of fraud: (1) a foreign worker who falsifies an application and claims to work for a company that he does not work for and/or (2) a company that is falsifying an application. He indicated that he wants to meet the H-1B worker and see some form of identification to prove that the employee is who he says he is. He also wants to meet with an HR person to confirm the H-1B worker's date of hire, title, work location, and salary information. He may also want to take a photo of the company office building to prove that the company exists. He also indicated that the focus of these site visits is petitions filed by religious entities and employment related petitions. He said that the investigations will be conducted in 28 different cities, and that the employer was randomly selected.

The investigator was very professional and polite, and seemed interested only in obtaining the basic information listed above. He said that if he uncovered something suspect in his investigation, then the matter would be turned over the ICE and/or DHS. He seemed happy to work with/through counsel to set up the appointment for the inspection and obtain the necessary information.