
U.S. CITIZENSHIP & IMMIGRATION SERVICES (CIS) REPORTEDLY TO CONDUCT RANDOM H-1B EMPLOYER SITE VISITS IN TWENTY-EIGHT CITIES

Immigration practitioners have reported that U.S. Citizenship & Immigration Services (CIS) has begun to conduct random site visits at H-1B employer facilities in order to investigate compliance with H-1B regulations of the U.S. Department of Labor and U.S. CIS. Such random visits have been anticipated since the CIS first began collecting the \$500 Fraud Prevention & Detection filing fee pursuant to the L-1 Visa and H-1B Visa Reform Act of 2004.

According to an American Immigration Lawyers Association (AILA) report of a recent employer's experience, the CIS is utilizing investigators under contract to verify that the employer is a real, operating enterprise, and that the H-1B nonimmigrant is a bona fide employee. According to the employer's recent experience, the site investigator requested to meet with both the employer representative for purposes of confirming particulars with respect to the employment, and with the employee for purposes of confirming identity.

Employers are reminded that the CIS is authorized to conduct such site visits, and such visits are specifically funded by the \$500 Fraud Prevention & Detection Fees that have been collected for the past four years. Employers may be asked to confirm employment details, including salary and benefits. Employers suspected of compliance failures will be reported to U.S. Immigration & Customs Enforcement (ICE), the interior immigration enforcement agency of the U.S. Department of Homeland Security.

Because the CIS has sufficient funding to conduct such random site visits, even the most scrupulous employers are advised to conduct regular internal compliance reviews and independent compliance audits. For more information on how Foster Quan can assist with independent audits of Form I-9 compliance, H-1B compliance, and LCA compliance, please contact your Foster Quan immigration attorney, or visit our website at www.fosterquan.com.