CIS PLANS TO INTRODUCE PROGRAM TO VALIDATE EMPLOYER INFORMATION ON VISA PETITIONS

By Amber McKinney

In an effort to decrease fraud in guestworker programs, the Department of Homeland Security's Citizenship and Immigration Services plans to introduce a web-based program to validate information about employers who submit visa petitions, a CIS spokesman told BNA Dec. 1.

The program, Verification Initiative for Business Enterprise (VIBE), is tentatively scheduled to be launched in the spring of 2010, Bill Wright, a CIS spokesman, told BNA.

The program will be web-based and utilize open source data from an independent information provider to validate information submitted by organizations that petition to employ an alien worker, Wright said.
"The program will give USCIS adjudicators a better tool to accurately and confidently verify the viability and current level of business operations for employment based petitions," he said.

CIS awarded a contract to Dunn and Bradstreet to act as an independent information provider for the VIBE program, Wright said. The contract has a base period of one year, with four additional one- year options, he added.

H-1B Program Has Come Under Fire.

CIS is launching the VIBE program in part to address concerns related to fraud in the H-1B visa program.

H-1B visas are granted to highly skilled, college-educated, temporary foreign workers for a maximum of six years, but only 65,000 H-1B visas may be issued per year.

In October 2008 CIS issued a report which found that about 21 percent of H-1B visa petitions are fraudulent or contain technical violations (198 DLR A-11, 10/14/08). The 2008 report found that 13.4 percent of H-1B petitions involved fraud and 7.3 percent involved technical violations.

Sen. Charles Grassley (R-Iowa) has repeatedly called for H-1B visa program reforms, writing several letters to CIS (188 DLR A-11, 10/1/09; 198 DLR A-11, 10/14/08) and sponsoring legislation to overhaul the program (78 DLR A-8, 4/27/09).

In a Sept. 29 letter to Alejandro Mayorkas, the head of CIS, Grassley said that it is "vitally important" that CIS take "all steps necessary to eliminate abuse and take action against those who do not comply with the law."

CIS Taking Steps to Improve Program.

On Nov. 10 Mayorkas responded to the senator, outlining in a
letter the steps CIS has taken to address the fraud in the H-1B program. Mayorkas said that CIS
has taken several steps to address the problem, including:

-- Issuing internal field guidance in October 2008 informing adjudicators of the
H-1B fraud report and instructing them to make changes to how they adjudicate
H-1B petitions. The guidance provided parameters for the review and referral of
petitions to CIS fraud detection operations and encouraged the use of
additional requests for evidence;

-- Revision of the Form I-129 petition for a nonimmigrant worker that would add
a request to submit relevant documentation and require attestations regarding
offsite employment; and

-- Operation of the Administrative Site Visit and Verification Program, a
program that utilizes physical on-site inspections of H-1B employers to verify
that the information submitted on the H-1B visa petition is accurate.
The visits currently are being conducted on a post-adjudication basis
with up to 25,000 visits expected during fiscal year 2010.