

Grassley Pushes Immigration Authorities to Hold Employers Accountable for H-1B Visa Fraud

Press Release

November 6, 2009

WASHINGTON - Senator Chuck Grassley today pressed Immigration and Customs Enforcement to step up its commitment to end the fraud and abuse of the H-1B visa program.

Grassley noted that within the last year, Citizenship and Immigration Services personnel have made an effort to identify employers who may have misrepresented their hiring intentions, but it appears that very few prosecutions have moved forward.

"It's important that the work of USCIS fraud detection agents is not ignored, and that employers who violate our immigration system are held accountable to the fullest extent of the law," Grassley wrote.

Grassley is a proponent of legal immigration, but believes that fraud and abuse has become all too prevalent in the H-1B visa program. He has led the effort to close loopholes and enact reform in the H-1B visa program and introduced H-1B reform legislation with Senator Dick Durbin. Grassley has also asked questions of both American and foreign based companies about their use of the H-1B visa program.

Here is a copy of the text of the letter Grassley sent to Department of Homeland Security Assistant Secretary John Morton.

November 6, 2009

The Honorable John T. Morton
Assistant Secretary
Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

Dear Assistant Secretary Morton:

When we met six months ago, we discussed the need to increase visa fraud investigations and prosecute those who abuse our legal immigration system. As I stated then, I am very concerned about the rampant fraud in the H-1B visa program, especially in light of an internal U.S. Citizenship and Immigration Services (USCIS) assessment of the program. I'm writing today to ask again for your commitment to go after fraud and abuse by employers and to help put integrity back into this visa program.

Upon release of the benefits fraud and compliance assessment last year, USCIS issued internal field guidance informing adjudicators of the findings and instructing them to make changes to how they adjudicate H-1B petitions. Additionally, fraud detection agents have

poured over hundreds of already approved applications to determine if employers misrepresented their intentions and are truly hiring highly skilled individuals for work in the United States.

Unfortunately, not many cases are being prosecuted. Meanwhile, some companies continue to hire H-1B visa holders and then outsource them to other worksites. Such was the case with the indictment of Vision Systems Group, Inc. earlier this year in my home state. Your agency alleges that the company did not have jobs available for the H-1B workers they petitioned for, and placed them in non-pay status upon arrival in the United States. Additionally, Vision Systems allegedly submitted Labor Condition Applications (LCAs) with the U.S. Department of Labor (DOL) that stated prevailing wage data for a location in Iowa rather than the higher prevailing wage for the location outside Iowa where the worker would actually be employed.

It's my hope that your department will continue to focus on cases like the one I mentioned. It's important that the work of USCIS fraud detection agents is not ignored, and that employers who violate our immigration system are held accountable to the fullest extent of the law.

I appreciate your consideration of this matter, and await your response to this letter.

Sincerely,

Charles E. Grassley
United States Senator

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