



The H-1B Program: Tips for Employers and Employees During Unannounced Site Visits

Posted on October 12, 2009 by [Robert A. Kraft](#)

The USCIS Office of Fraud Detection and National Security has started an assessment of the H-1B program where they have immigration officers go to the H-1B employers and employees and make unannounced site visits. The unannounced site visits will occur at the place of business that is listed on the H-1B petition, so they will go to the employee's work site. Essentially, what they are doing is making sure that there is no fraud in the H-1B program and that the employee is actually working at the employer's place of business. They have other verification methods that include, but are not limited to: review of the public records and information; contact via written correspondence, the Internet, fax, e-mail or telephone.

At the unannounced site visits, an interview may be conducted to make sure the H-1B employee is performing the duties as stated on the H-1B petition. USCIS could ask what the employee's job title is, the position duties, the requirements for the position, and how much the employee is getting paid. They could ask for paycheck stubs (just to verify).

Tips for the employer and employee:

- Make sure to review the petition in its entirety, the nature of the job offer, and the terms of employment;
- The H-1B petitioner/employer must pay for all expenses including attorney's fees and filing fees. USCIS may request to see a copy of the payment records. Make sure to reimburse if any of the fees were paid by the employee;
- If the employer or employee is not present during an unannounced site visit, then USCIS will usually ask for the HR manager. Make sure the HR manager is aware of this specific information;
- Make sure you request the officer's name, his or her title, and contact information for the site investigator. There are multiple government agencies that may audit in the H-1B program, including Immigration and Customs Enforcement (ICE), the USCIS, the Department of Labor's Wage and Hour Division, and/or the USCIS National Threat Assessment Unit. Know which agency you're providing information to in the event follow up is needed;

- Request a business card with a toll free number to obtain confirmation of his/her credentials prior to providing any information.
- Employers should comply with reasonable requests by the officers examining the employer's premises or work areas and documents. But if there is a secure area that no one goes to, then the employer should explain it to the officer.
- Do not "guess" about any information provided during a site visit. If you do not know the answer, you may want to tell the officer that you will follow up with the officer to provide accurate information after requested information is obtained;
- Take notes of all information requested and provided, whether orally or in writing, the locations visited, the pictures taken (obtain copies), and any other information from the site visit.
- Keep a record of all documentation provided by the officer during the site visit.