



The Shapiro Law Group  
450 Skokie Blvd., Suite 502,  
Northbrook, IL 60062  
Phone: (847) 564-0712  
Fax: (847) 564-0871  
[consult@ronaldshapiro.com](mailto:consult@ronaldshapiro.com)

## PRACTICE AREAS

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries

Australia

Chile / Singapore E-1

E-1 Visas

E-2 Visas

PERM Labor Certification

### HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

### FAMILY

Spouse / Fiancee Visas

Permanent Residence for Family  
Within U.S.

Naturalization / Citizenship

### AMNESTY

## Regulatory Thicket Grows for H-1B Employers

Posted: October 7th, 2010

This year has produced more regulatory burdens for employers who rely on the assistance of foreign specialty workers (pursuant to a section of the Immigration and Nationality Act known as H-1B).

At the very start of the year, the U.S. Citizenship and Immigration Services ("USCIS") issued a memo (referred to as the Neufeld memo) that imposed extra-regulatory requirements on the types of enterprises that could utilize H-1B provisions and on the activities in which H-1B workers could engage as employees.

The USCIS also stepped up the number of unannounced H-1B inspection visits, often repeatedly targeting the same employer, especially if they believed the employer might be acting as a consultant outside the bounds of H-1B.

The blog of the American Immigration Lawyers Association has reported that Customs and Border Protection officials have targeted H-1B visa holders as well, pulling some of them out of immigration inspection lines for questioning and/or removal.

That same blog has added that some U.S. consular posts have also issued so-called "pink letters" questioning the H-1B status of some workers and requesting a variety of information from them. Some letters have reportedly resulted in payroll information requests pertinent to all employees of a sponsoring company.

IT consulting companies in particular have been the focus for investigation of unlawful practices, such as benching H-1B workers without pay, paying below the prevailing wage, and sending H-1B workers on long-term assignments to sites not covered by their visa.

Because of the increased scrutiny of the current environment, employers must be more prepared than ever to deal with investigations and consequential paperwork demands. Any failure to respond quickly or respond accurately under the law, could lead to even more cumbersome



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investigations.

If you are in need of more information about business immigration audits or other business immigration issues, please check the pertinent section of our [Website](#) or call our offices at (847)564-0712.