



L-1 SITE VISITS EXPAND CIS FRAUD DETECTION PROGRAM

U.S. Citizenship & Immigration Services (CIS) has announced an expansion of the agency's Fraud Detection & National Security (FDNS) site visit program to include more L-1 site visits. Under the L-1 visa program, multinational companies may transfer qualifying managers, executives and specialized knowledge professionals to the United States to work for a qualifying entity of the organization.

What Is a Site Visit?

A site visit is one tool that the CIS uses to identify potentially fraudulent petitions. An officer, usually a contractor, appears on behalf of CIS at the petitioning employer's premises. Visits are funded by the \$500 Fraud Prevention & Detection Fee that is required for all initial H-1B and L-1 petitions.

What Questions Will the Officer Ask?

The officer conducting the site visit will likely ask to see the worker's office or work station and may ask to speak with the worker. He or she may ask the employer and the employee about the employee's job duties. Questions also may focus on job title, salary, work location, or other information presented in the L-1 petition.

Is the CIS Authorized to Conduct the Site Visit?

The CIS is authorized to conduct site visits for the purpose of investigating whether the facts presented in the nonimmigrant visa petition are true. You may contact your FosterQuan immigration attorney to request telephonic representation during the site visit. If the officer calls ahead to schedule an appointment, feel free to request that your FosterQuan attorney be present on site. In cases where the officer requests access to the foreign national employee, the company's designated immigration specialist or Human Resources Manager should be present during the interview.

Other Enforcement Possibilities

The CIS announcement came just a few months after an August 2013 Report published by the Department of Homeland Security (DHS) Office of the Inspector General (OIG) wherein the OIG recommended site visits before approving "new office" L-1 extension petitions. The OIG report made other recommendations concerning fraud prevention with respect to L-1 visas which the CIS could pursue in the future.

First, the OIG recommended that the CIS screen L-1 beneficiaries against a list of people previously denied visas at the U.S. Consulate or Embassy. The CIS agreed with the recommendation but responded by noting the logistical and time-consuming nature of the proposed action. The CIS reported plans to implement such a process whenever electronic filing is open for L-1 petitions in the future.

Additionally, the OIG recommended that U.S. Customs & Border Protection (CBP) officials adjudicating L-1 petitions filed by Canadians at the Port of Entry should undergo additional training on fraud detection, specialized knowledge, and petitioner eligibility. The CBP concurred with this

recommendation. Finally, the OIG recommended that the CIS allow CBP officials access to the CIS Validation Instrument for Business Enterprise (VIBE) database for purposes of verifying the bona fides of the petitioning employer. U.S. CBP and CIS report that the CIS has agreed to allow CBP immigration inspectors access to VIBE.

Following the OIG Report in August 2013, FosterQuan noted an uptick in CIS Requests for Evidence in connection with L-1 visa petitions filed with U.S. CIS. For more information, or to request representation in connection with an L-1 or H-1B site visit, contact your FosterQuan immigration attorney. As CIS and CBP take further steps to implement OIG recommendations, FosterQuan will provide updates on the impact on employers via [our firm's website](#) and in future Immigration Updates.©