

Immigration Alert: U.S. Department of State to Conduct Random Audits of Approved Nonimmigrant Visa Petitions, Including Contact with Employers

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- U.S. Department of State to conduct random telephone investigations of nonimmigrant petitions.
- Investigations will center on petitioner/employer information, rather than details pertaining to nonimmigrant employees.
- Employers are reminded to contact their immigration attorney in the event of an investigation, and never to provide unverified information during an interview.

The U.S. Department of State (USDOS) has recently announced that their Kentucky Consular Center (KCC) will begin verifying information submitted in nonimmigrant petitions to U.S. Citizenship and Immigration Services (USCIS). The KCC will conduct investigations through direct telephone contact with employers.

Currently, the USDOS requires foreign consular posts to verify information contained in approved nonimmigrant visa petitions through the Petition Information Management Service (PIMS), a database operated by the KCC. After a nonimmigrant petition is approved by USCIS, a duplicate copy is scanned into the PIMS system to provide consulates abroad access to relevant information when the petition's beneficiary applies for a visa stamp.

As a fraud prevention measure, the KCC will begin investigating petitioning employers to confirm company details, contact information, and physical office locations. After an initial investigation, the USDOS has indicated that the KCC will not normally re-verify information pertaining to a specific petitioner/employer for two years.

The KCC will not investigate all nonimmigrant petitions. Rather, it will make telephone contact with petitioning employers on a random, unannounced basis shortly after a given nonimmigrant petition is approved by USCIS. The KCC has assigned 15 full-time investigators to conduct employer interviews. Primarily, KCC investigators will make inquiries in the following areas:

- whether the petitioning employer in fact submitted the petition;
- when the employer's business was established;
- the physical location of the petitioning employer;
- number of employees;
- names of shareholders (if applicable and/or discernable);
- location of attorney of record; and
- general information regarding the employer's operations and business plan.

If you are contacted by a KCC investigator for an interview regarding a petition filed on behalf of one of your nonimmigrant employees, please follow these guidelines:

1. Request the investigator's name and contact information and confirm their credentials prior to providing any information. The KCC may be contacted at (606) 526-7500. The USDOS has recently announced the identities of contract personnel authorized to conduct inquiries; their names can be found listed in the [attached USDOS administrative statement](#).
2. Immediately contact your Mintz Levin attorney to advise us of any contact made by the KCC.
3. Please prepare notes during the interview listing the questions asked and responses given and submit them to your Mintz Levin attorney for review and retention.
4. Do not guess at the answer to a question about a nonimmigrant petition if you do not know the specific answer. If you are unsure about anything, indicate to the KCC investigator that you will follow up after the interview to provide accurate information.
5. Retain copies of all employee nonimmigrant petitions in a confidential file maintained by a designated company official for easy access during a KCC interview.

While similar, these investigations are separate from the H-1B "site visits" conducted by the U.S. Department of Homeland Security (USDHS). The USDHS will continue to conduct its own random and in-person nonimmigrant fraud investigations. In the event of either a USDOS telephone audit or a USDHS site visit, immediately contact your Mintz Levin attorney.

As always, if you have questions about these new government audits, or about any other immigration-related matter, please do not hesitate to contact your Mintz Levin attorney.

For assistance in this area please contact one of the attorneys listed below or any member of your Mintz Levin client service team.

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