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**20. Site Inspections by the USCIS-FDNS Pertaining to H-1B Petitions**

The USCIS Office of Fraud Detection and National Security makes “site visits” at places of employment of H-1B sponsors. The purpose of these visits is to verify the accuracy of the information listed on the H-1B petition and to ensure that no fraudulent representations have been made. The FDNS officers are verifying that the duties and responsibilities of the position require at least a Bachelor's degree, the minimum requirement for H-1B status. These visits have occurred at all types of business entities including hospitals, corporations and private practices.  The visits are unannounced and last an average of 45 minutes to an hour.   Although you may request that an attorney be present, the FDNS officer will not reschedule a visit so an attorney can be present.  However, telephonic representation should be allowed.  The FDNS officer will also tour and perhaps take pictures of the facility.

The officers usually request to speak to the individual who signed the H petition. At this point, the investigations have not involved a review of the Labor Condition Application or Public Access File. The FDNS officer will have the petition, and will be requesting verification of data on the petition which includes but is not limited to:

1.  Business Location

2.  Number of employees

3.  Year established

4.  Information regarding the position, including but not limited to the following:

    a. Job title

    b. Job duties

    c. Work location

    d. Salary

  e. Duration of Employment

The FDNS officer may request to see information confirming the salary, which may include but not be limited to paystubs and W-2s.

The FDNS officer may also ask the employer and employee who paid the attorney’s fee and filing fee on the H

The FDNS officer will also interview the beneficiary.  During the interview with the beneficiary, the FDNS officer may ask the following:

1.  Job title

2.  Job duties

3.  Employment dates

4.  Position location

5.  Educational background

6.  Current address

7.  Information about dependents, if any.

 The officer may also request to speak to colleagues or other personnel to confirm this information.

It is recommended that full cooperation be given to the FDNS officer. Additionally, the following is recommended to be done in the event of a site visit:

1. Obtain the officer's name, title, and contact information.

2. Have another employee present as a witness at the time of the site visit.

3. Have counsel on the matter on the telephone during the inspection.

4. Take notes of what transpired at the site visit, and forward same to counsel.

5. Debrief, or have the employee debrief your attorney about the interview.

It is imperative that copies of the H-1B petition be maintained by the signatory, for reference, in the event of a site inspection. It is very likely that the signatory will not remember some of the details contained in the petition, including the year the company was established and the number of employees. You can tell the FDNS officer that you need to consult your notes or the prior petition, as this information may not be readily available in one’s memory. You can get the attorney on the phone for the answers.

After the visit, the officer will prepare a report for submission to USCIS.  The USCIS should provide an opportunity to the petitioner to address any adverse or derogatory information that may result from the site visit after a formal decision has been made on the case, or after the agency has initiated any adverse action which may result in termination of the approval.

It is not unusual, especially when the employer is a hospital, for an officer to be misdirected at the information desk and never find the physician or the hospital contact. When this occurs, the officer will send the attorney of record and the employer contact an email requesting confirmation of the employment. It is imperative that this email be given immediate attention and the requested documents submitted expediently.

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