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COUNSEL FOR CORPORATE IMMIGRATION



September 12, 2012 Serving the immigration needs of businesses and individuals Phone: (216) 771-5588

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Immigration Law Update

Current Developments in Employment-Based Immigration
By Rosner Partners, L.L.C.

BULLETIN

USCIS has Hired Private Investigators to Inspect H-1B Visa Holders and Their Employers

The American Immigration Lawyers Association (AAILA) has recently posted that USCIS, through use of the "fraud fee," has hired private investigators to visit petitioners who sponsor H-1B employees. The inspections are likely to take place after an H-1B has been approved for an employee. The investigators prefer to "surprise" petitioners and will often arrive without any warning. We are sending this bulletin in an effort to prepare all of our clients for the possibility of such an inspection.

A client of ours was recently visited by one of these investigators. The recount of the visit is similar to those reported by AILA. Investigators are generally looking for two things: (1) the employer actually exists, and (2) the H-1B sponsored is a "legitimate" employee. They will usually take a picture of the building as evidence the employer exists. They may ask how many employees the company has, if they can speak to the H-1B employees, or if they can inspect the "public file" set-up for each H-1B worker. Investigators are reported to be very professional and polite and do not inquire as to the nature of the business beyond the simple H-1B inspection.

If you are visited by one of these investigators, we encourage you to call us. Investigators are instructed to cooperate with outside counsel if requested by the employer. Our experience speaking to an investigator who visited one of our clients was positive, and we expect this to be the case in the future. The investigator we spoke to worked for US Investigations Services (USIS), which is a privatized entity formed from the Office of Personnel Management, a former federal agency. Be sure to ask for the investigator's name and employer in the event of a visit.

Please contact us if you have any questions regarding these investigations or what to do to prepare for an inspection.

For additional information about any of the topics presented here, please [contact us](#).

[Return to Newsletter Index](#)

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