

ALERTS

Immigration Update

USCIS VISITS H-1B EMPLOYERS AND EMPLOYEES

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USCIS has funded a new antifraud initiative with revenue from the H and L Visa Anti-fraud fee called the Administrative Site Visit and Verification Program (ASVVP). Based partly on the findings of the previous H-1B Benefit Fraud and Compliance assessment, the Fraud Detection and National Security unit (FDNS) of USCIS developed the ASVVP to hire contract personnel to conduct low level site visits to H-1B employers. Over the next 6-12 months ASVVP contractors, mostly private investigators, will be visiting approximately 20,000 H-1B employers and their H-1B employees to ensure there are no technical violations or fraud in the H-1B employer-employee relationship or H-1B petition documents filed.

The ASVVP contractor will usually show up unannounced at the H-1B employee's worksite. The ASVVP contractor will ask to speak with the H-1B employee regarding their job duties, job title, work location(s) and compensation, view and photograph their worksite and confirm all H-1B obligations are being met. The ASVVP contractor will also often ask to meet with or speak with the H-1B employee's supervisor or HR manager to view payroll records confirming the H-1B employee is being paid the proper wage, obtain company financial information and confirm the H-1B employee has the same job title, job location and job duties that are listed on the H-1B petition. These site visits often last less than an hour, and if all of the information and answers provided conform to the H-1B petition contents, the ASVVP contractor completes a form, sends it to the FDNS unit at the appropriate USCIS Service Center and the matter ends. If either the foreign national or their supervisor/human resources manager are not available for the site visit or the information provided does not conform to the H-1B petition contents, the ASVVP contractor returns the incomplete interview form to the appropriate FDNS office for follow-up. The follow-up can take place in the form of phone interviews, additional site visits or more detailed investigations.

H-1B employers who were represented by an attorney in the H-1B filing are entitled to have their attorney present, but the ASVVP contractors generally do not reschedule the site visit to allow for the legal representative to attend, so representation by phone is a possibility for employers who would like to have their legal counsel included in the site visit process. When the ASVVP contractor arrives at your company, please ask to see their photo ID and a business card. Please write down the ASVVP contractor's full name, and make a copy of their business card (it often only has "USCIS ASVVP" on it and an 800# to call).

If Moore & Van Allen represented your company in the H-1B petition filing, please call us to discuss the site visit at your earliest convenience.