

Will USCIS Visit You?

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First, congratulations if you know what USCIS is. On the assumption you don't, it is the U.S. Citizen and Immigration Services. USCIS has a Fraud Detection and National Security Directorate (FDNS) to see to it that no immigration benefits make their way to people who are a threat to National Security, public safety or who try to defraud the immigration system.

With all those ominous acronyms, perhaps you feel you are in the middle of a spy novel. Well, just to amplify that feeling, FDNS now has an on-site audit program. Agents make random, unannounced site visits to look at employees in H-1B (professionals) or L (intracompany) status. Agents seek to make certain that information about your company vis-a vis such employees remains accurate. Are the employee's title, duties, hours, salary and location the same as was on the application?

Since USCIS takes the position that an amended petition must be filed if there is a "material change" in the terms and conditions of employment, you must keep in touch with your counsel.

This is serious stuff. A word to the wise...