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## Increase in Unannounced USCIS On-Site Audits

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The U.S. Citizenship & Immigration Services ("USCIS") has increased its anti-fraud staff and is conducting more surprise visits to U.S. companies that employ foreign nationals (both in H-1B and in L-1 status). We understand that during these unannounced visits, USCIS officials limit their questioning to a uniform checklist of queries with the objective of confirming the identity of both the petitioning employer and the foreign national, and ensuring that foreign nationals are working in compliance with the terms and conditions of his/her respective visa category. We further understand that there have been reports of USCIS agents exceeding what is reasonable and necessary to obtain this information.

The USCIS agent must request an employer's consent to interview both the petitioning company and the foreign national, to review any/all documents in support of an application, and to enter the employer's premises to confirm visually that a foreign national is employed according to the terms of the visa category. We recommend that employers designate one individual (per site) to host these USCIS inspectors. Because USCIS requires an employer's consent to conduct such an audit, an employer rightfully can request that it be accorded a reasonable period of time in which to produce documents.

Attached is a list of what we understand to be questions posed by the Department of Labor to foreign nationals on H and L visas.