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Are You Ready for a Surprise Visit from USCIS? How to Prepare for an Administrative Site Visit

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U.S. Citizenship and Immigration Services (USCIS), through its Fraud Detection and National Security Directorate (FDNS), regularly conducts unannounced site visits to employers who sponsor foreign workers. If your organization employs H-1B, L-1, or other nonimmigrant workers, it's critical to be prepared.

What Is an Administrative Site Visit?

An Administrative Site Visit (ASV) is an on-site inspection designed to verify the facts in an immigration petition and ensure compliance with immigration rules. These visits often occur without advance notice and may take place at your headquarters, HR department, client sites, or even a remote work location listed in the petition or associated Labor Condition Application (LCA).

What USCIS Is Looking For

FDNS officers conduct site visits to confirm:

- The employer exists and operates as described in the petition
- The foreign worker is performing the duties listed in the petition
- The work location and salary are consistent with the LCA
- The job role and supervision structure are valid (especially if the worker is placed at a client site)

They may ask to speak with HR representatives and managers, take photos of the worksite, interview the foreign worker, and request documents such as pay stubs, W-2s, organizational charts, or tax filings.

What to Do When an Officer Arrives

Preparation is your best protection. Here are key tips to ensure your team is ready:

1. **Designate a Trained Point of Contact:** Assign and train one or more company representatives to respond to site visits. This person should:
    - Verify the officer's credentials;

- Contact immigration counsel immediately; and
- Keep notes on everything that happens.

2. **Train Your Front-Line Staff:** Receptionists and other front-line staff should be trained to politely direct the officer to the designated representative.
3. **Inform Third-Party Sites:** If your H-1B employees work at client or third-party sites, it is essential to confirm that their H-1B petitions were properly filed to reflect this off-site employment, including accurate worksite addresses listed in the LCA and Form I-129. Maintain documentation to support the employee's placement at these locations. In addition, notify the client of the possibility of a USCIS site visit and provide instructions for them to contact your company immediately if an officer arrives, rather than responding independently.
4. **Support the Employee:** Officers may ask to interview the foreign worker directly, often outside the presence of a manager. Employees should understand what was filed on their behalf and be able to answer questions about their job title, duties, location, salary, and supervision.
5. **Avoid Guesswork:** If you don't know the answer to a question, it's okay to say you will follow up. Never guess, incorrect or inconsistent information can trigger further investigation or even revocation of an approved petition.

Best Practices for Ongoing Compliance

- **Conduct Internal Audits:** Periodically review your H-1B public access files, LCAs, job descriptions, and work locations to ensure everything matches what was submitted to USCIS.
- **Review I-9 Forms:** Although FDNS officers typically do not request to review Form I-9 records during administrative site visits, conducting a proactive internal I-9 audit is still a valuable risk management step. If a site visit uncovers material violations USCIS may refer the matter for further investigation. This can include a notice of intent to revoke the H-1B petition, or broader scrutiny of the employer's global mobility practices, potentially leading to an I-9 audit by Immigration and Customs Enforcement (ICE). Ensuring your I-9 records are accurate, complete, and properly retained helps mitigate the risk of penalties.
- **Monitor Wage and Location Compliance:** Ensure H-1B, E-3, and H-1B1 workers are being paid as required by the LCA and are working in the correct location. Changes may require an amended petition.

Be Proactive, Not Reactive

FDNS visits are not cause for panic, they are a normal part of USCIS's compliance efforts. But being unprepared can lead to unnecessary risk. Creating a response plan and training your team now will save you from scrambling later. If you have questions or would like help developing a site visit protocol or conducting an internal audit, contact your legal counsel.

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