MEMORANDUM

Date: April 9, 2012
Re: U.S. Government Agency Site Visits Related to International Students and Scholars

FDNS (Fraud Detection and National Security) H-1B Site Visits

What are they and what should you do if you receive one?

The H-1B visa classification is used for foreign nationals coming to the United States to perform in “specialty occupations.” Dartmouth College files H-1B petitions with U.S. Citizenship and Immigration Services (USCIS) on behalf of foreign faculty, researchers, and other professional staff.

As part of its efforts to review the integrity of the H-1B visa program, the USCIS Office of Fraud Detection and National Security (FDNS) has been conducting unannounced, random site visits to H-1B employers. Over the last 2-3 years USCIS has substantially increased the number of site visits, including the number of visits to Dartmouth. FDNS officers may contact OVIS initially, but it is also possible that they will contact Human Resources first, or go directly to the Department and even to the H-1B employee’s office without prior notification.

FDNS site visits are random and considered routine. They should not be cause for concern. That being said, it can be disconcerting to be visited by an FDNS officer. Listed below are helpful tips and information to prepare you for an FDNS site visit.

- Call or email OVIS directly at (603) 646-3474 or Visa.and.Immigration.Services@Dartmouth.edu to notify us of the visit. If possible, the Director or an Associate Director will come to the department to meet the officer and accompany him or her during the visit.
- Ask to see the officer’s identification, including name and ID number, and make a note of this information.
- If you are unable to answer a question asked by the officer, explain that you do not know the answer and that you need to contact OVIS. FDNS questions should be limited to the following:
  - Terms and conditions of the specific H-1B employment included in the H-1B petition
  - Number of current H-1B employees at Dartmouth
  - Proof of Dartmouth accreditation
  - Proof of Dartmouth non-profit status
• If the officer asks to speak with the H-1B employee directly, request that a representative of OVIS be present in person or by phone. Contact the H-1B employee and let him or her know that an FDNS officer may be in calling or coming by.

What will happen during the visit?

Site visits typically last less than one hour. During the visit, the FDNS officer will be seeking information regarding a specific H-1B petition in order to verify the information regarding the H-1B employment, including job title and duties, job location, FTE status and salary. The officer may request copies of the employee’s most recent paystubs and Form W-2, and may ask the employee to send a written summary of the job duties via email. The officer may ask to speak with the manager or supervisor.

If the officer asks for more detailed information regarding the H-1B petition or any other aspect of the employee’s immigration status, explain that this information must be provided by OVIS as the designated Dartmouth representative responsible for signing and filing all H-1B visa petitions on behalf of Dartmouth employees.

The FDNS officer will usually ask to meet with the H-1B employee directly. During the interview, the officer will typically ask questions verifying the employee’s address, job title and duties, hours and work location, salary, academic background and prior work experience, and the existence of any dependent family members.

Changes to H-1B Employment

H-1B petitions that OVIS files with USCIS make specific representations regarding the offer of employment including the position being offered, the duties and requirements associated with that position, and the salary, hours and working location of the position. Changes to the terms and conditions of an H-1B petition may require that we file an amendment with the Immigration Service prior to the changes being implemented. For this reason it is imperative that you contact our office regarding possible changes to an H-1B employee’s employment situation.

ICE or FBI Visits

Department of Homeland Security’s Immigration and Customs Enforcement (ICE) agency, and sometimes even the FBI, will make unannounced calls or in-person visits to campus to see an international student, faculty member or employee. Usually the first point of contact will be OVIS, but that is not always the case. Officers may contact Admissions, the Registrar, Human Resources, or even the individual directly.

The reasons for inquiries vary, but are often tied to the investigation of potential immigration or criminal violations, and in the case of students, a termination of the student’s record in the government’s SEVIS (Student and Exchange Visitor Program) database.
What should you do if you are contacted?

If you are called, make a written record of the call and ask the officer to send a written inquiry on agency letterhead via fax or email. Assure the officer that the inquiry will be addressed in a timely manner. Following the conversation, contact OVIS immediately.

If you receive an in-person visit, ask to see identification, including name and ID number. If the officer is from ICE, he or she should also have an administrative or possibly a judicial subpoena. Make a record of the officer’s identification and basis for the visit, and then contact OVIS immediately. OVIS will work directly with the Office of General Counsel and will contact the international student or employee if appropriate under the circumstances and in light of governing federal and state regulations.

Campus Sentinel Program

As part of ICE, Homeland Security Investigations (HSI) has as a priority the protection of legitimate nonimmigrant students. HSI is conducting outreach across the country to engage universities and colleges and develop partnerships to expose fraud schemes that may compromise national security. HSI is encouraging information sharing with schools and students. OVIS should be the first and primary point of contact for HSI. If you are contacted by an official from HSI as part of the Campus Sentinel Program, contact OVIS immediately.