

Fraud Detection and National Security (“FDNS”) Site Visits

The following is a list of questions that FDNS investigators typically ask when meeting with the foreign national or Human Resources representative.

1. Questions for the Company Representative (HR Manager, General Counsel)

General questions about the employer

- What is the name of the petitioner?
- How many employees does the employer have in the United States?
- How many employees does employer have worldwide?
- How many employees are full-time and how many are part-time?
- How many employees are employed by this division?
- Is this the corporate headquarters?
- Please provide a list of the employer’s office locations throughout the United States.
- What is the employer’s ownership structure?
- What are the employer’s hours of operation?
- How does the employer recruit for positions?
- Did you conduct layoffs recently? How many employees were laid off? What was the reason for the downsizing?
- Please provide evidence of the employer’s ongoing business operations, e.g. quarterly wage reports.
- What is your annual revenue?
- What is your budget?

Immigration policies and practices

- Does the employer regularly file I-129s and I-140s?
- What is the employer’s green card policy?
- Do foreign nationals pay for their visas?

Verification of petition

- Did the employer file this petition?
- Did [signatory] sign this petition? Did he/she have authority to sign/file the petition? Do you recognize this as his/her signature?
- Have you met the foreign national who is the beneficiary of this petition?
- What position was the foreign national hired into?
- Is he/she currently working in that position?
- What is the foreign national’s current job title?
- What does this job entail?
- What duties does the foreign national perform in a typical day?
- Are the job duties listed on the petition the job duties the foreign national actually performs?
- How many people does the foreign national manage/supervise?
- What was the foreign national’s employment start date?
- Is the job full-time or part-time? How many hours per week?
- Which department is the foreign national assigned to?
- What is the foreign national’s current work address?
- What is the foreign national’s base salary?

- Is the beneficiary on U.S. payroll?
- Do you have evidence of the beneficiary's salary, such as W-2s?
- Is the beneficiary compensated from other than corporate funds, i.e., is the beneficiary moonlighting? Do you have any knowledge of such activities?
- Does the foreign national pay taxes in the United States?
- Where did the foreign national live before coming to the United States?
- What is the foreign national's educational background?

Relationship between petitioner and beneficiary

- Does the beneficiary have an ownership interest in the petitioning company?
- Is there a familial relationship between the beneficiary and the petitioner?
- Is there a familial relationship between the beneficiary and the person signing the petition?

H-1B questions

- The prevailing wage listed on the LCA is [amount] per year and the I-129 form lists a starting salary of [amount] per year. What is the salary you are paying the foreign national?
- On the LCA, the position title is [title]. Is that the job you described to us?
- How many employees does employer have on H-1B visas?
- How many H-1B petitions has the employer filed? Since company's inception? In the past year? In the past five years?
- How many H-1B foreign nationals have occupied the foreign national's position in the last five years?

L-1 questions

- Which entity did the foreign national work for before transferring to the United States?
- Where is that entity located?
- Is that entity listed on the corporate relationship documentation in the L-1 petition?
- What is the relationship between the U.S. entity and the transferring entity?
- When did the foreign national join the organization?
- How long was the beneficiary employed overseas prior to his/her transfer to the United States?
- What job title did the foreign national hold prior to transferring to the United States?
- Is the beneficiary being transferred to a newly created position or to an existing position in the United States?
- Is the beneficiary replacing a U.S. worker?
- Is the foreign national truly an executive or manager, as opposed to an employee with specialized knowledge?
- What percentage of the employer's L-1 workers are from [foreign country]? How many foreign nationals are currently in the U.S. on L-1s for the employer?
- Where does the L-1 beneficiary stay while in the United States? (pertaining to intermittent L)
- What is the source of payroll? Is he/she paid overseas?
- How many L visa holders does the employer sponsor?
- How many L extensions does the employer file annually?

Questions regarding consulting firms

- Does the foreign national work at this location?
- Is that a third party location?

Relationship between petitioner and its immigration counsel

- How many petitions does [law firm] file for employer on an annual basis?
- What is [law firm]'s relationship with the employer?
- What work does [law firm] do for you?
- Why do you use [law firm]?

Document requests

- Quarterly wage reports
- Foreign national's W-2 or paystubs
- Foreign national's Form I-9
- Organizational chart

2. Questions for the Foreign National

- What is your job title?
- What does this job entail?
- What are your responsibilities?
- What was your employment start date with the employer?
- Where is your job located?
- Are you doing the job you were hired to do?
- What are the requirements of this position?
- How many positions like yours are there at employer?
- What is your educational level?
- Where did you go to school?
- What was the size of the school?
- Is this your degree?
- The grades on the transcript are out of 100?
- You have a [type] degree?
- You got your degree in what field of study?
- When did you graduate?
- Are you working full time?
- When did you start?
- Has employer required you to pay any fees associated with the H-1B petition?
- How did you come to apply to employer for a job?
- Did you quit your previous job? Why?
- Did you actually work for your prior company?
- What did you do between school and work?
- Did your previous employer file an I-129?
- Did you post your resume on Monster?
- Is this company considered attractive as an employer?
- What is your current address?
- Do you have family here?
- Does your spouse work?
- When did you get married?
- What is your spouse's current status?
- Please provide tax filings for the past year and your passport.

3. Questions for the Foreign National's Manager

- Are all [position title]s working in your group?
- What does your unit do?
- How many people in your unit do that? In terms of staffing, is that a practical number?