

# Fraud Detection and National Security (FDNS) Site Visits: Employer Tips and Strategies

A Practical Guidance® Practice Note by Morgan Bailey, Mayer Brown LLP



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The practice note addresses Fraud Detection and National Security Directorate site visits in the employment-based immigration context. It explains FDNS's role within USCIS, its fraud detection and national security functions, and the statutory and regulatory framework supporting site visits and compliance reviews. It describes how site visits are conducted, including unannounced and scheduled inspections at employer offices, third-party worksites, and remote work locations. The practice note outlines the scope of officer inquiries, including verification of employer operations, work locations, job duties,

wages, petition details, and employee qualifications. It also identifies immigration programs and site visit frameworks, including ASVVP and TSVVP, and discusses common triggers such as high petition volume, third-party placements, prior compliance issues, and fraud indicators. Additional sections cover employer compliance concerns for H-1B and L-1 workers, interagency information sharing, documentation and recordkeeping issues, employee interviews, and remote or hybrid work considerations. The practice note also surveys risk-management concepts, internal audits, training, response planning, premium processing, privacy and data protection, potential consequences of adverse findings, and available procedural remedies. It concludes with practical case examples and a best-practices overview for employers managing FDNS-related compliance issues during immigration site visits.

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### **Morgan Bailey, Partner, Mayer Brown LLP**

Morgan Bailey is the former Deputy Chief of Staff at the Department of Homeland Security, US Citizenship and Immigration Services (USCIS) and an experienced lawyer in global mobility and migration matters.

The Department of Homeland Security's USCIS is the agency that administers the naturalization and immigration system in the United States and is charged with balancing the United States' long standing humanitarian traditions with its national security mandate. It is composed of 19,000 employees and contractors working at more than 200 offices across the world.

While at the Department of Homeland Security, Morgan served as special advisor for the Office of the Director on laws, proposed regulations, operations and programs. She was responsible for a variety of matters, including: managing the agency's implementation of White House Executive Actions and Proclamations; preparing senior management officials for Congressional hearings; and analyzing legislative, regulatory and policy proposals. She was recognized with a Special Act Award for extraordinary contributions and accomplishments.

Morgan previously served as Field Office Director in China at one of the largest and busiest USCIS international posts. While in this position, she was honored with the USCIS Director's Community Partnership Award and the International Operations Renaissance Award. Morgan also formerly served as the Acting Field Office Director in Kenya, overseeing USCIS operations in East and Central Africa where she provided on-the-ground, high-level analysis and expertise on sensitive topics including political and national security challenges and diplomatic concerns. Morgan has conducted refugee processing in Kenya, Malawi, Sri Lanka, Thailand, Mainland China and Hong Kong.

Morgan served at the USCIS Administrative Appeals Office, where she oversaw the adjudication of appeals and worked on a number of precedent and adopted decisions on employment-based matters. During this period, she was recognized with a Special Act Award and the Director's Compass Award.

Earlier in her career, Morgan also practiced law at prestigious firms in New York City and Washington, DC, clerked for a federal judge, and worked at the Department of State at the U.S. Embassy in Moscow. She currently serves on the Immigration Subcommittee and Working Group of the US Chamber of Commerce.

Morgan is a contributor of The Mobile Workforce, the firm's blog to provide employers with a direct line of sight into immigration policy-making and practices across the globe.

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