

Mitigating Employer Risk In Immigration Compliance Visits

By **Morgan Bailey** (July 7, 2026, 4:57 PM EDT)

This article offers guidance for employers responding to site visits conducted by the Fraud Detection and National Security Directorate within U.S. Citizenship and Immigration Services.

FDNS site visits have become an increasingly important immigration compliance issue for employers that sponsor foreign national workers. These visits are designed to verify that the facts stated in employment-based immigration petitions match the reality of the workplace.[1]

For employers, the practical lesson is straightforward: A petition does not end when USCIS approves it. The company must be prepared to demonstrate, sometimes without advance notice, that the sponsored employee's job duties, work location, salary, reporting structure and employment conditions remain consistent with the petition.

For additional resources on employment-related immigration issues, see Immigration Compliance Resource Kit and H-1B Visa Resource Kit.

Understanding Site Visits

FDNS visits may occur at an employer's headquarters, branch office, third-party client location or, in remote work cases, even the employee's home. Officers generally arrive unannounced, although some visits may be scheduled in advance.

They typically ask to speak with the company representative who signed the petition, the foreign national employee, supervisors, human resources personnel or others who are familiar with the employment arrangement. The officer may also request petition-related records, tour the premises, photograph the work area, verify signage and observe whether the business appears to operate as represented.

The scope of a site visit is usually tied to eligibility and compliance. Officers may seek to confirm the bona fide existence of the employer, the physical location where the employee works, the employee's job title and duties, the wage being paid, the employee's schedule, and whether the employee's education and skills match the position described in the petition. They may also ask about the employer's business, annual revenue, number of employees, sponsorship history, organizational structure and chain of command.



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Employers should assume that the FDNS will compare statements made during the visit against the petition and supporting materials. Even small inconsistencies can create problems if they suggest a material change or a disconnect between the petition and the actual employment. Common risk areas include salary discrepancies, job duty changes, worksite moves, remote or hybrid work arrangements, third-party placements, and unclear supervision structures.

Although routine FDNS visits are done as administrative compliance reviews, the consequences of an adverse finding can be significant.

If USCIS cannot verify material facts, or if the visit uncovers inconsistencies, the agency may issue a request for evidence, a notice of intent to deny, or a notice of intent to revoke. These actions can require the employer to quickly assemble payroll records, job descriptions, worksite evidence, organizational charts and other documentation to rebut the government's concerns.

If the employer cannot adequately explain the discrepancy, USCIS may deny or revoke the petition, which can disrupt business operations and jeopardize the foreign national employee's ability to continue working in the U.S.

In more serious cases, findings may be referred to U.S. Immigration and Customs Enforcement or other law enforcement partners, potentially broadening the matter beyond a single petition and inviting scrutiny of the employer's wider immigration compliance practices.[2]

Preparing for and Managing Site Visits

Employers should therefore treat FDNS preparedness as part of their immigration compliance program, not as an emergency response exercise.

The first step is to designate a primary and backup point of contact for government site visits. These individuals should be knowledgeable about the employer's immigration program, be authorized to interact with FDNS officers, and be trained to verify credentials and accompany the officer throughout the visit.

Front desk and reception personnel also need clear instructions. They are often the first employees to encounter an FDNS officer. They should know whom to contact immediately and how to record the officer's name and badge number. Further, they should know what not to do. While they should not refuse entry reflexively, they also should not provide substantive immigration information, speculate or allow an officer to move through the premises unaccompanied.

During the visit, the employer representative should ask the officer to identify the petition or receipt number under review, as that helps keep the inspection focused on the relevant employee and filing. The representative should answer questions accurately and concisely, request clarification when needed, and avoid guessing.

If a record is not immediately available, the employer should offer to provide it after the visit, rather than creating documents on the spot or providing incomplete information.

Employers should maintain complete, organized and readily accessible petition files. These files should include the petition package, supporting documentation, labor condition application for H-1B cases, job

description, worksite information, payroll records, wage reports, tax filings, business licenses and any other records that are necessary to verify the petition.

The company should also be able to show that the sponsored employee's current role matches the position that was described to USCIS.

Remote and hybrid work require particular attention. Before filing, employers should confirm that the petition, labor condition application and internal records properly identify the required worksites. If a home worksite is involved, the employee should be prepared to respond courteously and truthfully if they are contacted by the FDNS.

At the same time, employees should be aware that they can ask to handle questions through the employer representative or counsel, particularly if the officer seeks access to private living areas or asks for information beyond the petition.

Third-party worksites also present heightened risk. For H-1B employees, the employer must be able to demonstrate a valid employer-employee relationship and show that the position qualifies as a specialty occupation based on the third party's requirements.[3] For L-1 employees, the employer should be prepared to show that it retains control over the employee's work and that the arrangement is not merely labor for hire.

Employers should brief client-site contacts in advance so they understand how to route government inquiries and how to avoid inconsistent statements.

Risk Management Strategies and Best Practices

Training is essential. Human resources personnel, immigration team members, front desk staff, sponsored employees, managers and co-workers should understand the purpose of FDNS visits, as well as the importance of accurate and consistent answers.

Sponsored employees should be familiar with the information in their petitions, including their job title, salary, work location, schedule, supervisor and core duties. Moreover, managers should promptly report any changes in job duties, salary, worksite or reporting structure to the immigration team before they are implemented.

Employers should also conduct periodic internal compliance audits. These reviews should compare actual employment conditions against the petition, labor condition application, public access file and internal records. For H-1B cases, worksite moves outside the area of intended employment, significant duty changes and wage reductions should be treated as potential material changes requiring review before they occur.[4] Where required, amended petitions should be filed promptly.

Although FDNS officers generally focus on petition-specific compliance rather than Form I-9 records, employers should not ignore I-9 compliance. A site visit that reveals broader immigration concerns may lead to referrals or additional scrutiny. Regular I-9 audits, corrected in accordance with applicable rules, can help reduce exposure if one issue leads to another.

A written FDNS response protocol is one of the most effective risk management tools. The protocol should identify primary and alternate contacts, outline steps for verifying officer credentials, require contemporaneous notes, and establish procedures for producing documents.

It should also instruct employees to protect attorney-client privileged communications, trade secrets, medical information and unrelated personnel records. If sensitive information is requested, the employer should consider redaction or follow-up production.

Employers should also document the visit carefully. Notes should include the officer's name and contact information, the petition under review, the employees interviewed, the questions asked, the answers provided, the documents reviewed or copied, the areas visited and the photographs taken. Further, the employer should request copies of any photographs and keep a record of all follow-up requests.

Premium processing may also serve a practical risk management function for certain H-1B and L-1 matters. Faster adjudication can reduce uncertainty during extension periods and minimize reliance on continued employment authorization while a timely filed extension remains pending. This can be especially useful where a pending petition might complicate a site visit or create questions about the employee's current authorization.

If the FDNS identifies potential discrepancies, employers usually have an opportunity to respond before USCIS denies or revokes a petition. The response should be supported by documentary evidence and focus on reconciling the facts. Employers may also have options to file motions, pursue appeals, submit Freedom of Information Act requests or raise concerns if an officer exceeded the proper scope of the visit.

The best employer strategy is preparation before the FDNS appears. Companies should maintain accurate filings, monitor changes in employment conditions, train personnel, conduct mock site visits, update policies regularly and create a culture in which immigration compliance is integrated into workforce planning. FDNS site visits are manageable when employers can show that their records, employees and actual operations all tell the same story.

Conclusion

Going forward, employers should expect FDNS site visits to remain a meaningful compliance tool in the government's review of employment-based immigration petitions.

The central takeaway is consistency: Petition filings, payroll records, worksite arrangements, organizational charts, manager statements and employee answers should all align before an officer arrives. Employers that invest in training, documentation and escalation protocols are better positioned to resolve questions quickly, preserve petition viability and reduce the risk that a routine administrative review becomes a broader enforcement matter.

As work arrangements continue to evolve, particularly through remote work and third-party placements, companies should treat changes in job duties, location, compensation or supervision as immigration compliance events requiring prompt review.

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[1] Immigration and Nationality Act; 6 U.S.C. § 112(a)(3); 8 C.F.R. § 214.2(h).

[2] 8 C.F.R. §§ 103.2(b)(16), 214.2(h)(10), 214.2(h)(11).

[3] 8 C.F.R. § 214.2(h)(4)(iii)(A)(3).

[4] 8 C.F.R. § 214.2(h)(2)(i)(E).