

Compliance Review Report

Job Aid for Employment (H1B) – Based

This instruction set is to assist Site Inspectors (SI) conducting administrative visits (ASV) at locations of employment in support of the Administrative Site Visit Verification Program (ASVVP). The purpose of this document is to communicate the type of information *USCIS* is seeking when SIs are conducting ASVs at worksites and to define certain terms used in the CR Report. The type of information identified must be addressed in the narrative portion under each question on the worksheet.

SIs will identify themselves with *USCIS* issued credentials prior to speaking with individuals. First priority is to speak with the petitioner. If the petitioner is not available, the SI should ask to speak with a knowledgeable representative of the organization (normally HR staff).

If an individual requests the presence of an attorney, and the attorney is not immediately available, the ASV will be terminated. The SI will annotate a request for counsel was made in the report.

SIs will not conduct the ASV if there is an officer safety issue. The SI will annotate the officer safety issue in the report.

USCIS is dedicated to being respectful of all cultures and backgrounds. SIs will encounter persons from a diverse array of cultures. Demonstrating respect for the diversity of American society is of paramount importance. The SI must prepare themselves to be respectful to all people, at all times. The SI should understand this and take precautions as not to offend these individuals.

Definition of Terms:

Petition: A form used by a United States citizen or lawful permanent resident, or qualified organization to establish either a familial or employment based relationship.

Petitioning Organization: A qualified organization that requests an immigration benefit on behalf of a foreign national.

Petitioner: U.S. citizen or lawful permanent resident that requests an immigration benefit on behalf of a foreign national.

Signatory: Individual whose signature appears on the petition.

Organizational Representatives: Individual with knowledge of the organization, petition, petitioner and beneficiary.

Beneficiary: A foreign national that is the recipient of an immigration benefit based on either a familial or employment based relationship with a U.S. citizen or lawful permanent resident, or qualified organization.

Business: A corporate or legal entity that employs individuals in the United States in the regular, systematic, and continuous provision of either goods or services.

Yes: Sufficient information was obtained to support an affirmative response.

No: Sufficient information was obtained to support a negative response.

Not Determined (N/D): Insufficient information was obtained to support either a negative or affirmative response (i.e. petitioner claims the beneficiary is being paid the stated salary, however, no pay stubs or W-2s are provided).

SECTION 1: Administrative Site Visit (ASV) Information

(To be completed by SI)

The information will be provided in the ASV assignments. The SI will ensure this information is entered onto the worksheet.

SECTION 2: Site Inspector

1: Does the facility visually appear to be that of the organization?

Yes: A facility appearing to be that of a business exists at the site location and the organization's name is displayed on signage.

No: The facility cannot be located and/or the organization's name is not displayed on signage. Inquire with neighboring business and/or residents to determine if others are familiar with the organization.

Not Determined: If no determination is made whether or not the organization exists at the location, please provide a detailed explanation in the narrative box of the efforts that were attempted.

Include in the narrative box.

1. Description of the location:

- Commercial office unit;
- Apartment or condominium complex;
- Single family residence;
- Mail center/postal location, or;
- Virtual office (a business with multiple small workstations leased to numerous entities);

2. Indicate if any other businesses are sharing the site location and the names.

Photographs should also be taken of the location, to include building number and signage when possible. Provide a brief description of the location in the narrative box.

2: Was an organization representative authority present?

Yes: Contact was made with organizational representative.

No: Contact was not made with an organization representative. In cases where contact cannot be made with organization representatives or they are unwilling to comply with a site visit, Inquire with neighboring businesses and /or residents to determine:

- If the business actively engaged in business activities.
- The business' normal hours of operation.
- If they familiar with the beneficiary and/or petitioner.

Not Determined: If it cannot be determined if an organization representative is present or at the location, please explain in full detail in the narrative box.

Include in narrative:

- 1) Name and title of the individual interviewed.
- 2) Contact telephone number of individual interviewed.
- 3) Information obtained by others when contact cannot be made with an organizational representative.

3: Did results of site visit suggest the presence of a legitimate organization?

Request a tour of the facilities. Make observations and ask general questions about the organization.

Yes: The organization appears to be actively engaged in appropriate business activities and is more than just a "store front".

No: The organization does not appear to be actively engaged in appropriate business activities and appears to be in existence for the sole purpose of filing immigration petitions.

Not Determined: If the legitimacy of the organization cannot be determined please explain in full detail in the narrative box.

Include in narrative:

- 1) Indicate the product and/or service the company provides.
- 2) Number of employees.

- 3) Number of H1B employees that work full time.
- 4) Number of H1B employees that work part time.
- 5) Number of employees working on-site at this location, verses off site.
- 6) Number of clients the company has where their H1B employees are working.
- 7) Number of employees how that are nonimmigrant aliens. [sic]
- 8) Number of employees that are lawful permanent residents.
- 9) Length of time the organization has been in business.
- 10) Number of other locations the organization is located. List other locations.

4: Did the organization have knowledge of the beneficiary and the petition filed on behalf of the beneficiary?

Ask petitioner/signatory/organizational representative general questions about the beneficiary and the petitioning organization's knowledge of the beneficiary.

Yes: The petitioner/signatory/organizational representative accurate knowledge of the petition filed on behalf of the beneficiary as well as the beneficiary's hours of duty, salary and job duties.

No: The petitioner/signatory/organizational representative does not have knowledge of the petition filed and/or the beneficiary's hours of duty, salary and duties.

Not Determined: No interviews were conducted with the petitioner, signatory, and/or organizational representative.

Include in narrative:

- 1) List the beneficiary's hours of duty, salary, work location and job duties.
- 2) If the employer is familiar with the petition.
- 3) If the employer is familiar with the beneficiary.
- 4) If the petitioner had authority to file the petition on behalf of the employer.
- 5) Length of time the employer has employed the beneficiary.
- 6) Indicate the type of *visa* the petition for. (immigrant visa or nonimmigrant visa)

5: Was the beneficiary working for the organization?

Yes: The organization confirms the beneficiary is currently working for them and has supplied sufficient proof in support of the beneficiary's employment.

No: The organization is not currently employing the beneficiary.

Not Determined: The organization indicates the beneficiary is currently employed, but cannot provide proof of the beneficiary's employment.

Include in narrative:

- 1) Whether or not the beneficiary is employed by the organization and what supporting documentation was reviewed (i.e, recent pay stubs, business cards, employee ID)
- 2) If the beneficiary is not currently employed by the organization:
 - Indicate where the beneficiary is currently working; and
 - Why the beneficiary is not employed by the organization.
- 3) The hours the beneficiary works.
 - Full-time or part-time position
- 4) If the beneficiary is employed somewhere else:
 - Where?
 - What type of work?

6: Were you able to identify and speak to the beneficiary?

Yes: The beneficiary was located on site and identified by work or government issued identification.

No: The beneficiary was not located on site or does not work for the organization.

Not Determined: The beneficiary was located on site, but could not provide identification.

Include in narrative:

- 1) The type of identification reviewed.
- 2) Do not include any document numbers or the date of birth of the beneficiary.

7: Was the beneficiary knowledgeable, cooperative, and forthcoming with questions posed?

Ask the beneficiary questions about his/her employment with the organization (i.e., hours of duty, salary, job title, daily job duties)

Yes: The beneficiary provided the accurate information relating to his/her employment with the organization.

No: There were discrepancies between the information provided in Section 1, what the petition provided and what the beneficiary provided.

Not Determined: The beneficiary was not located on site or available for interview.

Include in narrative:

1) Indicate the following as described by the beneficiary:

- Beneficiary's title
- Job duties
- Hours of duty
- Job duties [sic]
- Salary
- Work location

2) Indicate whether the beneficiary or petitioner paid for the USCIS filing costs of the I-129 petition and if the organization deducted the filing costs for the beneficiary's paycheck.

3) Indicate what type of degree the beneficiary has. (Associates, Baccalaureate, Masters, Doctorate)

4) Indicate where what institution of higher education the beneficiary attended, major, years attended and when the degree was awarded.

8: Was the beneficiary being paid the salary as indicated?

Yes: The beneficiary was being paid the salary indicated in Section 1 and supporting documentation was provided.

No: The beneficiary was not being paid the salary indicated in Section 1.

Not Determined: The beneficiary was located on site, but could not provide identification.

Include in narrative:

1) The type of documentation was reviewed (i.e, W-2, pay stub) and salary indicated on the documentation.

9: Was the beneficiary performing the duties as indicate?

Yes: The beneficiary was performing the duties indicated in Section 1.

No: The beneficiary was not performing the duties indicated in Section 1.

Not Determined: It could not be determined what duties the beneficiary is performing, indicate why in the narrative.

Include in narrative:

1) Indicate discrepancies between the beneficiary's duties as described by the beneficiary and organizational representative in comparison with the duties listed in Section 1.

10: Do you recommend further inquiry?

Explain and provide additional observations made while conducting the ASV.