

## Site Visits May be on the Rise for L-1 and H-1B Beneficiaries



# Immigration Blog

By Eileen M. Martin

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Clients are increasingly reporting unannounced site visits from United States Citizenship and Immigration Services, where an investigator visits a foreign worker's place of work to determine the ongoing validity of an L-1 or H-1B worker's status. This can be a huge problem for businesses in the post-pandemic business environment, where many employers surrendered their physical office locations in favor of maintaining a partially- or wholly-remote workforce. While U.S. Citizenship and Immigration Services has indicated that it acknowledges remote work—as it should, since so many of its employees enjoy it—its response to remote work during a site visit can be skepticism, hostility, and outright disbelief.

Officers want to see that an office space is physically occupied, and may want to speak with employees of the business. If the officer cannot access the business or it has moved, the officer may make phone calls to the employer or attorney to determine whether the business is actively conducting business and whether the foreign national is engaging in the work for which his visa status was approved.

Officers may also request to review documents relating to the activity of the business, the other employees, and the physical premises of the business. If the officer continues to have concerns about the activity of the business or the

duties of the foreign national, the employer may receive a Notice of Intent to Revoke the visa status petition, giving the employer one last chance to convince U.S. Citizenship and Immigration Services that the business and foreign national are entitled to the visa status.

Filing fees that fund site visits are paid by employers when L-1 and H-1B petitions are filed. Employers should be warned that U.S. Citizenship and Immigration Services may come knocking even after a petition is approved, to verify information in the petition. When this happens, employers should reach out to their immigration counsel to help navigate the difficulties and pitfalls of the response process.

For more information on this topic, please contact [Eileen Martin](mailto:emartin@lippes.com); ([emartin@lippes.com](mailto:emartin@lippes.com), 716.853.5100, ext. 1347) or a member of the Lippes Mathias [Immigration](#) practice team.

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