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U.S. moves to strengthen H-1B enforcement

Immigration officials plan to conduct 25,000 on-site inspections in fiscal 2010.

By Patrick Thibodeau

December 21, 2009 06:00 AM ET

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Computerworld - U.S. immigration officials are taking H-1B enforcement from the desk to the field with a plan to conduct 25,000 on-site inspections of companies hiring foreign workers during the government's current fiscal year.

That would mark a nearly fivefold increase in inspections over the previous year, when U.S. Citizenship and Immigration Services officials conducted 5,191 site visits. The federal fiscal year begins Oct. 1.

USCIS Director Alejandro Mayorkas disclosed the upgraded enforcement plan in a letter to [Sen. Charles Grassley](#) (R-Iowa), a co-sponsor with Sen. Dick Durbin (D-Ill.) of federal legislation aimed at increasing H-1B program enforcement.

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In the letter, released by Grassley last month, Mayorkas said the agency began a site visit and verification program in July to check on the validity of H-1B applications.

Mayorkas, a former federal prosecutor who was recently appointed to the immigration post by President Barack Obama, told Grassley that the inspections aim to determine "whether the location of employment actually exists and if a beneficiary is employed at the location specified, performing the duties as described, and paid the salary as identified in the petition."

The immigration agency moved to boost enforcement of H-1B laws after an internal study released about a year ago disclosed widespread violations of H-1B rules by employers. The study found that one in five [visas involved either fraud or "technical violations."](#)


The increased enforcement comes after filings for H-1B visas started to grow in October, following [a lull of several months](#).

Immigration attorneys said the renewed H-1B demand may be a sign that the economy is improving as companies seek to hire foreign IT professionals, including developers of electronic games and other products.

From last summer into September, applications for H-1B visas had flatlined at about 45,000 petitions. But demand rebounded in October, and the USCIS reported that fiscal 2010 visa petitions had reached 61,100 by Dec. 4.

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The annual cap for H-1B visas is 65,000.

Immigration attorneys project that the H-1B cap for the current fiscal year should be reached by early 2010, far later than in recent years, when the pool of available visas was consistently exhausted within days of the April 1 start of the filing period.

Randall Sidlosca, an immigration attorney in the Miami office of law firm Fowler White Burnett PA, noted that some of his clients plan to ramp up operations in 2010, and he believes an improving economy is behind the increase in H-1B petitions.

However, data released last week by the USCIS showed that during fiscal 2009, some U.S. companies, including Microsoft Corp., Intel Corp. and IBM, continued to hire people under H-1B visas despite cutbacks in their own staffs and an overall decline in IT employment.

The year-end USCIS data also showed that some major Indian IT services firms cut back on their H-1B use as the economy softened.

For instance, Infosys Technologies Ltd. received only 440 visas -- less than 10% of the 4,559 it received in fiscal 2008. Meanwhile, Wipro Ltd. topped the fiscal 2009 list with 1,964 visas; that's about three-fourths the number it got the year before.

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 **Kapoorimmlaw** 10 minutes ago from TweetDeck
This does not effect H-1B extensions or transfer of employers.

 **Kapoorimmlaw** 11 minutes ago from TweetDeck
The H-1B cap has been reached as of yesterday - <http://is.gd/5xAc0> - no more new H-1Bs available until 4/1/10 for a 10/1/10 start date.

 **EndH1BOnlyJobs** 24 minutes ago from twitterfeed
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Submitted by Anonymous on December 21, 2009 - 09:25.

This is old news why is this mentioned now? Some desperate articles talking about the same old stuff over and over again have been popping up in computer world the last few days...trying hard to keep this boring dying topic alive? You are only making it more boring by writing about old news.

Now....let's see...the same few people....about 15 of them will come back to this article again and say the same old stuff, copy paste the same old links, spew same old hatred, same old angry words targeted at a particular nationals. Once they are satisfied after all that, they go back to their business (if they have anything better to do) till they find anoter H-1B article in computerworld using google search or something similar and start all over again.

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so ture...

Submitted by Anonymous on December 21, 2009 - 12:41.

well said. This place is for frustooooos to come here and take some weight off their chests...hehehe....clowns are everywhere my friend!

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How can jobs be boring

Submitted by stealth_grey on December 21, 2009 - 12:42.

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