



**U.S. Citizenship
and Immigration
Services**

APR 28 2015

The Honorable Jeff Sessions
United States Senate
Washington, DC 20510

Dear Senator Sessions:

Thank you for your April 9, 2015 letter. The Secretary asked that I respond.

U.S. Citizenship and Immigration Services (USCIS) is ever mindful of the trust the American people have placed in us to administer the Nation's immigration system fairly, honestly, and correctly. The Immigration and Nationality Act (INA) details numerous compliance requirements employers must satisfy under the H-1B program and authorizes penalties for violations of those requirements.¹ In addition, USCIS has taken a number of steps to maintain the integrity of the H-1B program while ensuring U.S. employers have access to the specialized temporary workforce needed to compete in the global market. For example, USCIS started the Administrative Site Visit and Verification Program (ASVVP) in July 2009 as an additional way to verify information included in certain visa petitions. Under this program, USCIS Fraud Detection and National Security Directorate (FDNS) officers make unannounced site visits to collect information as part of a compliance review. A compliance review verifies whether petitioners and beneficiaries are following the immigration laws and regulations that are applicable in a particular case.

In addition to establishing the ASVVP program, and FDNS's ongoing anti-fraud initiatives, USCIS and another Department of Homeland Security (DHS) Component, U.S. Immigration and Customs Enforcement (ICE), have collaborated in a strategic partnership to combat immigration fraud through the coordinated referral of benefit fraud cases for criminal investigative action. This synergistic approach has enhanced DHS's effectiveness in detecting, deterring, and combating immigration benefit fraud through the combined effect of USCIS civil immigration authority and ICE criminal immigration authorities. In instances when USCIS suspects criminal activity, USCIS will refer cases to ICE for investigation and subsequent presentation to the Department of Justice for prosecution. While ICE undertakes its criminal investigation, FDNS suspends its administrative adjudication process.

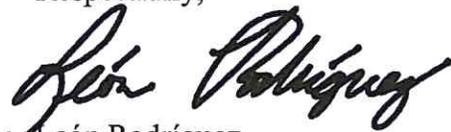
¹ INA section 212(n)(2)(A), 8 U.S.C. § 1182(n)(2)(A), directs the Secretary of Labor to "establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in an application...or a petitioner's misrepresentation of material facts in such an application." DOL regulations establish that process, which is largely within the purview of DOL and DOJ. See 20 CFR part 655, subpart I.

USCIS remains vigilant for possible H-1B violations, including whether U.S. companies are attempting to illegally displace American workers. USCIS shares your commitment to ensuring that U.S. immigration laws are properly followed. Recognizing the importance of providing immigration services that both support U.S. employers and protect American workers, we strive to do our work with the greatest possible integrity and efficiency. This includes following up on concerns such as those you raise regarding Southern California Edison to ensure that petitions are entirely consistent with our legal framework.

At this point, it would be premature for USCIS to speculate as to whether Southern California Edison's participation in the H-1B program has violated any laws. If facts come to our attention that indicate violations have occurred, USCIS will take appropriate action to maintain the integrity of our programs.

The Senators who co-signed your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, reading "León Rodríguez". The signature is written in a cursive style with a large, prominent initial "L".

León Rodríguez
Director