

CIS Fraud Sheet



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This document was released by USCIS by mistake in March 2009 and contains the criteria USCIS uses to refer cases for fraud investigations. THIS DOCUMENT IS AVAILABLE AT [OUR BLOG](#).

H-1 B COS/EOS	H-1B Petition Fraud Referral Sheet		H-1 B COS/EOS
Petitioner's Name:		Receipt	
Beneficiary's Name/DOB:			
Referred By: Name: _____ WS: _____ Date: _____		A Number (if applicable)	
Adjudicative Status: Officers should attempt to complete adjudication before referring. If not, supervisory approval required.			
<input type="checkbox"/> Pending <input type="checkbox"/> RFE sent <input type="checkbox"/> ITD sent	<input type="checkbox"/> ITR sent <input type="checkbox"/> RFE/ ITD/ ITR response <input type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> Revoked <input type="checkbox"/> Withdrawn	<input type="checkbox"/> Abandoned <input type="checkbox"/> Appealed
Investigation Requested:	<input type="checkbox"/> Post-adjudicative review and/ or site visit		
	<input type="checkbox"/> Pre-adjudicative site visit – requires supervisor approval (Supervisor's initials: _____)		
Instructions: In order to ensure an actionable fraud referral is sent to the Center Fraud Detection Operation (CFDO), all petitions that possess 2 of the 3 10/25/10 criteria must be referred to the CEDO.			
<input checked="" type="checkbox"/> Gross Annual Income less than \$10 million	<input type="checkbox"/> Multiple Filings: DHS records should indicate significant discrepancies between the number of petitions filed in the last three (3) years and the current number of employees.		
<input type="checkbox"/> Company claims less than 25 employees			
<input type="checkbox"/> Company established for less than 10 years			
<input type="checkbox"/> Contracts for consultants or staffing agencies show no end-client – no work description or itinerary.	<input type="checkbox"/> Incomplete, Inconsistent or misstated information on the petition – excessive blanks, inflated figures etc.		
<input type="checkbox"/> Not Paying the Claimed Wage	<input type="checkbox"/> NO Website for an IT Consulting Company. Also be aware of websites that look good but are always under construction.		
<input type="checkbox"/> Suspect Documents: Altered, counterfeit, or boilerplate, etc (i.e., All employment letters have virtually the same text and signatures with letterheads being the only difference.)	<input type="checkbox"/> Preparer and Preparer's Address – The preparer, notary, petitioner etc are the same person and they have the same address while the actual work location shows a different address.		
<input type="checkbox"/> Location on the Labor Condition Application (LCA) Form ETA 9035 differs from place of employment.	<input type="checkbox"/> Photographs of petitioner's premises have been altered (i.e. company logos and signs added after photo was taken – many times digitally)		
<input type="checkbox"/> H-1 B Dependent – Claims not to be dependent but a check of Mainframe CLAIMS indicates this may not be true.	<input type="checkbox"/> Occupations – Accounting, Human resources, Analysts & Managers (i.e., marketing research analysts, business analysts, financial analysts, Managers for advertising, marketing, promotions, public relations, and sales requested by marginal companies lacking the organizational		
<input type="checkbox"/> LCA Code does not match the claimed duties listed in the petition and cover letter.			

<input type="checkbox"/> Evasive or ambiguous answers or complete failure to respond to requested information.	complexity required to support the position on a full-time basis for a three-year period such as liquor stores, dry cleaners, gas stations, residential care facilities, convenience stores, donut shops, fast food restaurants, dental office, 99 cent stores, parking lots, etc.)
<input type="checkbox"/> Zoning inconsistent with business internet data – petitioner’s address indicates that it is zoned residential rather than commercial.	<input type="checkbox"/> Abandonment or withdrawal after request for evidence issued.
<input type="checkbox"/> Petitioner filing outside of jurisdiction	<input type="checkbox"/> Questionable education credentials
<input type="checkbox"/> Attorney identified on the FID	<input type="checkbox"/> *FID Update – see additional information to update the FID
Remarks: (If necessary, attach another sheet with other fraud indicators) Requires supervisor approval (Supervisor’s Initials: _____)	

Courtesy, Law Offices of Rajiv S. Khanna, PC
Document available at [our blog](#).