

NEWS UPDATE

February 3, 2010

Subject: CBP conducting targeted, random H-1B/L-1 checks at Newark International Airport

DHS' Customs and Border Protection ("CBP"), which staffs our airports and reviews admissions at the airports, has been conducting targeted and random checks at the Newark International Airport principally for returning H-1B and some L-1 visa holders. If CBP determines that the visa holder's admissibility is questionable, he or she will be sent to secondary inspection for further interview. In some cases, CPB is asking the foreign national to withdraw his/her admission into the U.S., or be subject to expedited removal. While the investigations appear to be focused on Newark, CBP may start investigations at other U.S. airports.

All H-1B visa holders returning to the U.S. must have with them the following documents:

1. Passport with unexpired visa stamp;
2. Original Notice of Approval, Form I-797;
3. Proof of current employment such as a payroll record or letter confirming continued employment (current payroll record is advisable);
4. Copy of Labor Condition Application ("LCA").

The LCA must be current and reflect where the foreign national is actually working. Should the foreign national's work site be changed, his or her employer must file a new LCA (but not necessarily an amended petition with DHS).

Please make sure that your H/L visa holders are fully aware of these requirements and are prepared to explain where they work, what they do, and how much they are paid. While CBP appears to be targeting certain Indian-based computer "job shops", the investigation is not limited to these organizations.

Should you have any specific questions, please do not hesitate to contact us.

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