



### Why This Matters

Each year thousands of foreign nationals apply for nonimmigrant benefits to work temporarily in the United States. Adjudicators who process L-1 visa petitions face inherent challenges to adjudicate these applications consistently and effectively. As a result, these challenges increase the opportunity for fraud and abuse in the L-1 visa program.

DHS personnel must have clear guidance and sufficient training in order to protect the integrity of the L-1 visa program.

### DHS Response

DHS concurred with all of the recommendations.

USCIS has a draft policy memorandum in review for official agency clearance. This memorandum specifically addresses L-1B specialized knowledge adjudications, including the importance of the 2004 Visa Reform Act.

USCIS agrees that close communication with DOS is critical and welcomes the opportunity to work closely with DOS consular officers on L visa adjudications.

### For Further Information:

Contact our Office of Public Affairs at (202)254-4100, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

## Implementation of the L-1 Visa Regulations

### What We Determined

The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), Customs and Border Protection (CBP) and the Department of State (DOS) process immigration benefit applications, including petitions for temporary (nonimmigrant) workers. Congress created the L-1 visa program in 1970 to facilitate the temporary transfer of foreign nationals with management, professional, and specialist skills to the United States. Congress enabled companies to transfer "key personnel freely within the organization" as a way to expand "the growth of American enterprise." We determined that the L-1 visa program has several constraints that create challenges for personnel processing these petitions, such as broad definitions, need for training, and unclear guidance. These constraints create the potential for fraud and abuse within this visa category.

This report identified measures to enhance the effectiveness of the L-1 visa program and promote consistent visa processing among DHS and DOS personnel.

### What We Recommend

The Department of Homeland Security, Office of Inspector General recommended the following:

- 1) Publish new guidance to clarify the USCIS interpretation of specialized knowledge. This guidance should be sufficiently explicit to give adjudicators an improved basis for determining whether employees of a petitioning entity possess specialized knowledge.
- 2) Develop broader working-level communications opportunities between Immigration Service Officers adjudicating L petitions and DOS consular officers adjudicating L visa applications.
- 3) Provide thorough L-1 visa training to all CBP Officers processing L-1 travelers at ports of entry or preclearance/preflight stations in Canada.
- 4) Make a site visit a requirement before extending 1-year new office petitions.
- 5) Create a regulation on the Visa Reform Act "anti-job shop" provisions that will increase consistency in decision-making.