

## **Resource Materials on the Fraud Detection and National Security (FDNS) Directorate of U.S. Citizenship and Immigration Services (USCIS)**

[Template – Attorney’s Response to FDNS](#), provided courtesy of Jonathan D. Wasden, Wasden Baniias, LLC  
4/23/2022

[Brief of the Alliance of Business Immigration Lawyers as Amicus Curiae in Support of Plaintiffs’ Motion for Preliminary Injunction, \*ILRC v. Wolf\*](#), Case No. 4:20-cv-05883-JSW  
9/3/2020

[Defendants’ Memorandum of Points and Authorities in Response to the Briefs of Amici Curiae in Support of Plaintiffs’ Motion for Preliminary Injunction, \*ILRC v. Wolf\*](#), Case No. 4:20-cv-05883-JSW  
9/15/2020

[Privacy Impact Assessment Update for the Fraud Detection and National Security Directorate \(Social Media\)](#)  
8/30/2019  
DHS/USCIS/PIA-013-01(a)

[USCIS’s Fraud Detection and National Security Directorate: Less Legitimate Than Inspector Clouseau, But Without the Savoir Faire](#),  
4/2019  
by Angelo A. Paparelli, AILA Law Journal, Vol. 1, No. 1.

**Abstract:** The Homeland Security Act of 2002 (HSA) contains an express prohibition limiting the legal authority of U.S. Citizenship and Immigration Services (USCIS), a component agency of the Department of Homeland Security (DHS), to certain prescribed immigration-related functions. Under the HSA, USCIS may only engage in the adjudication of requests for immigration benefits such as work and travel permission, lawful permanent residency and naturalization, whereas the HSA authorizes other DHS agencies, U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, to engage in immigration-related investigation and enforcement activities. In 2003, however, the then-Secretary of DHS delegated authority to engage in investigative activities to USCIS, even though the HSA expressly prohibits such a reallocation of immigration duties. In 2004, USCIS created the Fraud Detection and National Security (FDNS) Directorate and tasked it with investigative and law enforcement responsibilities. Since 2004, FDNS has conducted thousands of site visits at business establishments and religious institutions in the United States, and uncovered comparatively few instances of suspected immigration-benefits fraud. Given the ban in the HSA on USCIS’s performance of investigative duties, FDNS is an unlawfully constituted subcomponent of USCIS and its site-visit program violates the HSA.

[DOJ and USCIS Sign MOU Regarding Information Sharing and Case Referrals](#)  
5/11/2018

DOJ and USCIS signed a memorandum of understanding that establishes a framework for information sharing and case referrals for the purpose of detecting and eliminating fraud, abuse, and discrimination by employers bringing foreign workers to the United States.

AILA Doc. No. 18051135

*Tags: Employer Compliance & Enforcement, Agencies & Liaison, Memos & Guidance*

*Location: InfoNet*

[VSC Practice Pointer: H-1B and L-1 FDNS Site Visits](#)  
7/26/2016

The VSC Liaison Committee offers an overview of Fraud Detection and National Security directorate site visits and practice pointers for being prepared for such visits.

AILA Doc. No. 16072604

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, L-1, R Religious Workers, Agencies & Liaison, Liaison Activity*

*Location: InfoNet*

### **Privacy Impact Assessment Update for the Fraud Detection and National Security Directorate (**

12/16/2014

DHS/USCIS/PIA-013-01

### **USCIS Revised H-1B Anti-Fraud Operational Guidance**

6/3/2013

In response to a FOIA request, USCIS released its 6/3/13 Revised H-1B Anti-Fraud Operational Guidance memorandum, which rescinds and supersedes a 10/31/08 policy memorandum (memo can be found at AILA Doc. No. 12052252). Special thanks to David Gluckman.

AILA Doc. No. 14010245

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, Agencies & Liaison, Memos & Guidance*

*Location: InfoNet*

### **DHS Changes to Privacy Act System of Records Notice for Fraud Detection/National Security Records**

8/8/2012

DHS notice of changes to a privacy act system of records titled “Department of Homeland Security/U.S. Citizenship & Immigration Services—006 Fraud Detection & National Security Data –System & renaming it Fraud Detection & National Security Records.”(77 FR 47411, 08/08/12)

AILA Doc. No. 12080846

*Tags: Agencies & Liaison, FR Regs & Notices*

*Location: InfoNet*

### **AILA Liaison USCIS FDNS Meeting Minutes (3/28/12)**

3/28/2012

Minutes from the AILA Verification & Documentation Liaison Committee’s March 28, 2012, meeting with the USCIS Fraud Detection and National Security Directorate. Topics include an update on statistics, scope of audit, targeting of employers, coordination with DOL, and more.

AILA Doc. No. 12060144

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, R Religious Workers, Family Immigration, Agencies & Liaison, Liaison Activity*

*Location: InfoNet*

### **USCIS FDNS Supplemental Answers to AILA Questions on Site Visits**

8/5/2011

Supplemental questions and answers from the AILA Verification & Documentation Liaison Committee’s June 7, 2011 telephonic meeting with the USCIS Fraud Detection and National Security Directorate.

AILA Doc. No. 11080569

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, R Religious Workers, Agencies & Liaison, Liaison Activity*

*Location: InfoNet*

### **USCIS Fraud Detection Standard Operating Procedures**

3/17/2011

USCIS Fraud Detection and National Security Directorate’s (FDNS) Standard Operating Procedures (SOP), dated 3/17/11. This SOP establishes procedures that ensure consistent detection, documentation, and prevention of immigration benefit fraud. Obtained through FOIA by Peter Williamson.

AILA Doc. No. 14092342

*Tags: Agencies & Liaison, Memos & Guidance*  
*Location: InfoNet*

### **Sample FDNS Follow-Up E-Mail Questions After H-1B Site Visit**

2/25/2011

The AILA Verification & Documentation Committee received an example of follow-up questions posed by an FDNS officer following a USCIS FDNS H-1B Site Visit Program visit.

AILA Doc. No. 11022521

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, Employer Compliance & Enforcement, Agencies & Liaison, Liaison Activity*

*Location: InfoNet*

### **USCIS FDNS Answers AILA Questions on Site Visits**

6/22/2011

Questions and answers from the AILA Verification & Documentation Liaison Committee's June 7, 2011 telephonic meeting with the USCIS Fraud Detection and National Security Directorate.

AILA Doc. No. 11062243

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, R Religious Workers, Agencies & Liaison, Liaison Activity*

*Location: InfoNet*

### **No Skating on Thin ICE: Using Enforcement Preparedness Policies to Prevent Drowning in Frigid Immigration Waters**

by Nici Kersey and Angelo A. Paparelli

[Immigration Practice Pointers 841 (2010-11 ed.) ] (Also accessible at AILALink).

### **AILA Liaison/FDNS Meeting Minutes (6/7/10)**

6/7/2010

These minutes from a recent liaison meeting with USCIS's Office of Fraud Detection and National Security (FDNS) cover site visit issues and provide FDNS statistics.

AILA Doc. No. 10060862

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, Agencies & Liaison, Liaison Activity*

*Location: InfoNet*

### **Practice Pointer: USCIS' FDNS Commences Audit of H-1B Program, Including Unannounced Site Visits to H-1B Employers and Their Clients**

10/1/2009

AILA's Verification Liaison Committee offers a practice pointer on a Fraud Detection and National Security (FDNS) H-1B audit and reminds members of employer rights during an FDNS site visit.

AILA Doc. No. 09100123

*Tags: Agencies & Liaison, Liaison Activity*

*Location: InfoNet*

### **USCIS Office of Fraud Detection and National Security Brochure**

3/27/2009

The USCIS Office of Fraud Detection and National Security (FDNS) released a brochure in March 2009, which provides an overview of its mission and goals in detecting immigration benefit fraud.

AILA Doc. No. 09032763

*Tags: Agencies & Liaison, Memos & Guidance*

*Location: InfoNet*

### **H-1B Compliance Review Report Site Visit Instructions (Updated 11/19/09)**

12/5/2008

USCIS H-1B Compliance Review Report instructions used by FDNS contractors conducting H-1B Administrative Site Visit compliance audits.

AILA Doc. No. 09101461

*Tags: Business Immigration, Employment-Based Nonimmigrants, H-1B/H-1B1, Agencies & Liaison, Memos & Guidance*

### **USCIS Develops Fraud Detection and National Security Data System**

8/18/2008

USCIS Office of Fraud Detection and National Security notice of development of a new data system called the Fraud Detection and National Security Data System (FDNS-DS). (73 FR 48231, 8/18/08)

AILA Doc. No. 08081870

*Tags: Agencies & Liaison, FR Regs & Notices*

*Location: InfoNet*

### **Review of the USCIS Benefit Fraud Referral Process (Redacted)**

10/2007

DHS Office of Inspector General, OIG-08-09

### **USCIS Formally Establishes National Security and Records Verification Directorate**

4/10/2006

USCIS news release announcing the new National Security and Records Verification, which is made up of the Fraud Detection and National Security (FDNS) Division and the Records Division plus a new Verifications Division.

AILA Doc. No. 06041260

*Tags: Employer Compliance & Enforcement, Agencies & Liaison, Announcements & Events*

*Location: InfoNet*