

### **Kentucky Consular Center Conducting Telephonic Confirmation Regarding Nonimmigrant Visa Petitions**

**August 30, 2010**

The Kentucky Consular Center (KCC) has commenced verification of information contained in nonimmigrant visa petitions received from U.S. Citizenship and Immigration Services. The pilot program verifies information related to the petitioning entity, the beneficiary, and the proposed U.S. employment. These checks are completed at random and are primarily completed by telephone with the petitioner. Contact by KCC is unannounced and should occur shortly after the petition is transferred to the KCC from the U.S. Citizenship and Immigration Services.

#### **What Is the KCC?**

KCC is a U.S. Department of State (DOS) facility that provides domestic support to the worldwide operations of the Bureau of Consular Affairs Visa Office. KCC provides posts with official interagency notification of H, L, O, P, and Q classification petition approvals, as well as additional information that DOS may choose to add about a petition, the petitioner, and the beneficiary.

#### **Practice Pointers for KCC Telephonic Reviews:**

- Employers should request the name of the KCC contractor and confirm the credentials of the contractor with the KCC prior to providing any information. Confirmation may be obtained by contacting the KCC at 606.526.7500. There are multiple governmental agencies that may audit the relevant petition. Therefore, it is critical that the employer determine to which agency it is providing information in the event follow-up is needed.
- Employers should attempt to contact counsel immediately if contacted by a KCC contractor.
- Employers should not speak with government agents or contractors without a witness present.
- Employers should retain complete copies of the I-129 petitions and supporting documentation submitted in a confidential file maintained by a designated company official. Should the employer be contacted by a KCC contractor, the designated official should retrieve this documentation and review it prior to speaking with the KCC contractor.
- If the KCC contractor requests information from the designated official that he or she cannot provide accurately without further research, the designated official should indicate this to the KCC contractor. The official should not “guess” about any information provided during the call. If the official is unsure about some requested information, he or she may want to indicate that the employer will follow up with the KCC contractor to provide accurate information after such information is obtained. This is especially important for representatives who do not have access to information being requested by the KCC contractor and who are unable to call on other company representatives to answer the questions during the call.
- Employers should remember that any information obtained during the call and subsequent nonimmigrant visa interview could be used regarding a previously approved petition in the postadjudication process, and/or could be referred to USCIS and ICE for further investigation.

Employers should be prepared to provide the following information regarding the petitioning entity and the beneficiary:

1. Whether the petitioner, in fact, submitted the petition
2. When the petitioner was incorporated
3. The physical location of the petitioner
4. Number of employees
5. Names of shareholders
6. Location of attorney of record
7. General information regarding the petitioner's operations and business plan

**How This Affects You**

Employers should be prepared for an unannounced telephone call by an authorized contractor. It is important that employers have a policy for handling such calls, ensure that all relevant records are up to date and easily accessible, and determine which employees are authorized to speak with a contractor. Should advance notice of such a call be received, please contact Morgan Lewis immediately.

We will continue to monitor this situation and update you with any new information. For more information, or if you have any questions regarding the issues discussed in this Immigration Alert, please contact any of the following attorneys:

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