



DOJ Expands Corporate Enforcement to Include Immigration Violations

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The U.S. Department of Justice (DOJ) has broadened its corporate enforcement efforts to include violations of federal immigration laws, with a heightened focus on those involving employment-based visa programs like the H-1B. This follows a policy update in May 2025 under the DOJ's "Corporate Whistleblower Pilot Program," which now encourages reporting of immigration-related corporate misconduct.

What is a Whistleblower?

A whistleblower is an individual (typically an employee, contractor, or stakeholder) who lawfully discloses information about illegal, unethical, or improper activities within an organization. Whistleblowers may report violations of laws, regulations, or company policies to internal compliance departments, regulatory agencies, or other appropriate authorities. Various federal and state laws provide protections to whistleblowers to help safeguard them from retaliation and encourage the reporting of misconduct in the public interest. Whistleblower complaints play a vital role in promoting transparency and accountability, offering individuals a pathway to speak out against wrongdoing and uphold the integrity of systems and institutions. At the same time, care should be taken to ensure that reporting mechanisms are thoughtfully designed so they promote responsible disclosures and avoid unintentionally encouraging unsupported or misdirected claims.

Who Would File a Complaint?

Potential stakeholders who may file complaints under the DOJ's Corporate Whistleblower Pilot Program may include current or former employees, contractors, vendors, or business partners who have credible evidence of corporate criminal misconduct. These individuals may report violations such as fraud, bribery, or false statements made to the government, including in immigration or regulatory filings. For example, a U.S. worker who believes they are being unfairly displaced or discriminated against in favor of lower-paid foreign workers may come forward if they suspect misuse of visa programs or false statements to federal agencies. Likewise, a foreign worker could report their employer if they knew the company was not complying with prevailing wage requirements, or other immigration-related obligations. The program is designed to incentivize early, voluntary disclosure by offering potential leniency in prosecution and aims to strengthen corporate compliance and accountability.



In a high-profile case that drew significant attention to corporate immigration practices, a major global IT services company was found to have misused B-1 business visitor visas to send foreign workers to the United States for extended work assignments. Instead of using appropriate work visas such as the H-1B, this company allegedly brought Indian employees under the B-1 visa classification, which is intended for short-term business visits and not for productive employment. This practice effectively allowed the company to undercut U.S. workers by employing foreign labor at lower costs without following proper labor and immigration regulations.

The U.S. Department of Labor and Department of Homeland Security investigated the matter, leading to a settlement where the company agreed to pay significant fines and implement corrective measures. The case highlighted the risks companies face when circumventing visa requirements and underscored the government's increased scrutiny on visa misuse to protect U.S. labor markets.

For employers, this example serves as a cautionary tale about the importance of strict compliance with visa classifications and labor laws to avoid enforcement actions and reputational harm.

New Focus: Immigration Compliance

Historically, some whistleblowers have attempted to bring actions under the False Claims Act (FCA) against employers for alleged visa fraud, including misrepresenting information in petitions or labor certifications submitted to the government, but, these cases have rarely succeeded in court. Courts have ruled that visa petitions do not count as "claims" for money or property under the FCA, making these cases hard to win. Some whistleblowers have tried to claim that employers avoided higher visa fees by choosing less expensive visa options (like B-1 or L-1 instead of H-1B). However, courts have mostly rejected these arguments, stating that employers are only required to pay fees for the visas for which they (or their employees) actually apply, not for the alternatives that were not ultimately used.

Now, however, the DOJ is offering a more direct path by relying on criminal laws that prohibit false statements in visa applications and other fraudulent actions involving immigration filings. This shift increases the risk for employers and signals stronger enforcement moving forward. Because the False Claims Act (FCA) has been hard to apply in visa-related cases, the DOJ is leaning more heavily on criminal laws. These include:

- Laws against making false statements in visa applications
- Statutes that prohibit lying to the government (perjury)
- Criminal conspiracy laws targeting fraud schemes

These tools give the government stronger options for enforcement, increasing the need for employers to maintain strong immigration compliance programs.



What Employers Should Do

Employers should care about the DOJ's Corporate Whistleblower Pilot Program because it significantly increases the risk of current or former employees or other concerned parties reporting internal misconduct directly to federal authorities. Whistleblower tips can trigger costly government investigations, civil penalties, and even criminal charges against the company and its executives. Proactive compliance, clear internal reporting channels, and prompt responses to credible concerns can help reduce this risk. By fostering a culture of accountability for compliance with immigration laws, employers are better positioned to detect and correct problems before they escalate into government enforcement actions.

In light of this new enforcement focus, employers should consider how they can strengthen their immigration compliance programs by:

- Including immigration compliance in internal investigations and audits
- Setting up clear reporting channels for compliance concerns
- Taking whistleblower reports seriously and responding appropriately
- Training HR, legal, and hiring teams on immigration law obligations

How Our Team Can Help

GYH's experienced team includes experts who are ready to help employers navigate these evolving risks and develop effective compliance strategies. There is no better time than now to prepare for future immigration enforcement actions.

[Contact us](#) for assistance.

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