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DOJ's Expanded Whistleblower Program Targets Immigration Violations

In a significant shift in enforcement strategy, the U.S. Department of Justice (DOJ) has expanded its Corporate Whistleblower Awards Pilot Program (CWAPP) to include violations of federal immigration law. This move reflects a broader governmental push to hold corporations accountable for immigration-related misconduct and incentivize insiders to report violations — particularly those involving employment-based visa programs such as the H-1B. Therefore, all employers of non-citizens should understand their legal obligations and limit their exposure.

DOJ's Immigration Whistleblower Expansion

Originally launched in August 2024 under the Biden administration to combat white-collar crimes such as bribery and fraud, CWAPP was [expanded in May 2025](#) by the Trump administration to include immigration violations. Under the updated program, whistleblowers can receive up to 30% of any monetary recovery resulting from their tips, provided the case leads to a forfeiture of at least \$1 million. Awards are also available to whistleblowers who report federal immigration violations that result in forfeitures at lower thresholds.

Historically, whistleblowers attempted to use the False Claims Act (FCA) to pursue visa fraud cases, but courts have generally rejected these claims. Now, the DOJ is relying on criminal statutes to prosecute immigration-related misconduct. The expansion specifically targets the following violations:

- Unauthorized employment of foreign nationals
- Fraudulent visa applications, including misrepresentations in employer-sponsored petitions
- Systemic misuse of visa categories, such as substituting B-1 visitor visas for H-1B work visas

This policy shift is accompanied by increased enforcement efforts, including workplace raids/investigations and stricter scrutiny of visa programs. These investigations not only disrupt business operations but can also result in reputational damage and devastating financial losses.

Cautionary Tale: \$34 million Whistleblower Settlement in 2013

In 2013, prior to the CWAPP program initiative, a global IT consulting firm headquartered in India became the subject of a DOJ investigation that culminated in a \$34 million civil settlement—the largest ever in an immigration-related case. The case originated from a whistleblower complaint filed by a manager who alleged the company misused B-1 visas to circumvent the more regulated H-1B visa process.

Key allegations included:

- **Fraudulent use of B-1 visas:** The company allegedly directed employees to enter the U.S. on B-1 visas for work that should have required H-1B authorization.
- **Misleading documentation:** The company allegedly submitted invitation letters to U.S. consular officials that misrepresented the purpose of travel, describing work-related activities as “meetings” or “discussions.”
- **Employee coaching:** The company allegedly instructed employees to avoid using terms like “work” or “consulting” when speaking to immigration officials.
- **Form I-9 compliance failures:** Over 80% of the company’s I-9 forms from 2010 to 2011 contained substantive violations.

The settlement required the company to implement enhanced compliance measures, including third-party audits, stricter visa documentation protocols, and ongoing DOJ oversight. Now that the CWAPP has expressly included immigration violations as part of the program, expect the same type of aggressive enforcement. This 2013 case serves as a powerful example of the potential consequences for companies that fail to comply with immigration

laws.

Recommended Actions for Employers

With CWAPP now covering immigration violations, employers must prepare for increased scrutiny and potential whistleblower activity. They should consider the following compliance measures:

- **Conduct internal audits:** Regularly review I-9 forms and visa documentation.
- **Update protocols:** Include immigration law compliance in internal investigation protocols.
- **Train HR and legal teams:** Ensure staff understand visa categories and compliance obligations.
- **Establish reporting channels:** Encourage internal reporting of concerns and act promptly to address them.
- **Response team:** Take all internal reporting of concerns seriously, with a designated response team.
- **Voluntary disclosure:** Take advantage of safe harbor provisions by self-reporting violations within 120 days of discovery through the DOJ's Corporate Enforcement and Voluntary Disclosure Program.
- **Third-party management:** Review third-party contracts to ensure vendors are upholding immigration laws and consider including language in the terms/conditions of contracts specifically noting immigration responsibilities.
- **Mergers and acquisitions:** Conduct due diligence to root out immigration irregularities and voluntarily report past violations to Immigration and Customs Enforcement (ICE) to avoid liability and exposure.

Lastly, employers need to recognize that a report may come from current and former employees. It is incumbent on employers to foster a culture of accountability and transparency so they can detect and resolve issues before they escalate.

Key Takeaways

The DOJ's expansion of its whistleblower program to include immigration violations marks a new era of corporate accountability. Employers must now treat immigration compliance as a core component of their risk management strategy — or face the possibility of becoming the next cautionary tale. Our team at Frost Brown Todd includes experienced professionals who can assist with immigration compliance program development and internal investigations and audits. We encourage clients to review their current practices and prepare for increased enforcement activity.

If you have questions about the DOJ's expanded whistleblower program, please contact the authors or any attorney with Frost Brown Todd's [immigration team](#).

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