

Research Integrity & Undue Foreign Influence

In the midst of a global pandemic, international scientific collaboration has perhaps never been more important. However, the U.S. government's efforts to prevent and investigate undue foreign influence in federally-funded research remain active.

Visa Fraud Arrest Takeaways

On July 23, 2020, the Department of Justice (DOJ) announced the filing of four complaints against individuals for visa fraud based on alleged misstatements each made about their prior affiliation with or current status as members of the People's Liberation Army (PLA) in China. While one of the four individuals initially evaded arrest by sheltering at the Chinese Consulate in San Francisco, all are now in custody.

Key Takeaways

- These matters are occurring across the country – while the four most recent complaints span the Northern and Eastern Districts of California and the Southern District of Indiana, the DOJ press release covering the related arrests also called out the fact that FBI agents have fanned out across more than two dozen cities to interview additional visa holders about whom they have concerns.
- There remain concerns that some visa holders may be under specific instructions by the Chinese government to gather information/intelligence while working at U.S. institutions and then bring that information back in order to facilitate the replication of lab setups, or specific experiments or other research.
- Some number of visa applicants are misrepresenting their employment history to mask prior or current military service. Institutions should consider conducting some measure of independent due diligence on visa applicants' work and educational history.
- Each of these cases was initiated via a complaint filed by prosecutors with sworn affidavits from law enforcement (e.g., FBI). These complaints permit an arrest warrant to issue, but do not constitute formal charges (which in felony cases will require a grand jury indictment). The use of complaints allows the government to move more swiftly than they could with a grand jury and particularly with many courts operating on a reduced schedule/with more limited grand jury time, this is likely to continue for the foreseeable future.

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