

Government Worksite Visits: At a Glance

Type of Worksite Visit	I-9 Audit	FDNS Worksite Visit	STEM OPT Worksite Visit	ICE Worksite Raid
Agency Involved	Immigration and Customs Enforcement (ICE), the enforcement arm of the Department of Homeland Security (DHS).	Office of Fraud Detection and National Security (FDNS), part of U.S. Citizenship and Immigration Services (USCIS), a branch of the Department of Homeland Security.	The SEVIS Unit of Immigration and Customs Enforcement (ICE), the enforcement arm of the Department of Homeland Security.	Immigration and Customs Enforcement (ICE), the enforcement arm of the Department of Homeland Security (DHS). Sometimes ICE is accompanied by local or state law enforcement (police).
Why Are They Here?	To conduct audits of Form I-9 to ensure compliance. Form I-9 confirms a worker's identity and authorization to work in the U.S.	To conduct audits of H-1B and L-1 employers to ensure compliance.	To ensure the company and F-1 student(s) are complying with their approved STEM OPT Training Plan (Forms I-983) and with STEM OPT reporting requirements.	ICE agents may come to your business to try to find a particular person (or people) or investigate suspected criminal activity. While they are there, they may try to question, detain and even arrest other people.
Is Notice Given?	Yes, ICE will issue a notice of an I-9 audit, and the employer must be permitted at least three business days to produce the Forms I-9. If ICE finds that employees are not authorized to work, employers have 10 days to provide work authorization for their employees.	Many of the FDNS H-1B and L-1 site visits are unannounced.	ICE normally provides 48 hours advance notice to the employer, but a site visit may occur without notice if the visit is triggered by a complaint or other evidence of noncompliance.	No notice is given; ICE agents (and sometimes local law enforcement) will show up unannounced.
Is a Warrant Needed?	No, a warrant is not needed.	No, a warrant is not needed.	No, a warrant is not needed.	Yes, ICE must present a judicial warrant to be able to enter the private areas of the worksite. If ICE has an administrative warrant, they cannot enter the private areas of the worksite without a signed judicial warrant or your consent.
Is This Inspection Onsite?	The inspection may be onsite if the employer has not produced Forms I-9 within the three days after the notice was given.	Yes. They may occur at the employer's principal place of business and/or at the H-1B/L-1 nonimmigrant's work location as indicated on Form I-129.	Yes, these inspections are often onsite.	Yes, ICE will show up to the worksite. However, ICE must present a judicial warrant or obtain your consent to be able to enter the private areas of the worksite.
How Long Does The Inspection Last?	Varies.	Typically less than an hour.	The site visits are typically an hour or two but may be longer if there are many F-1 students at the worksite.	ICE raids can sometimes last for hours.
Who Will the Government Agent Speak to?	ICE may ask to speak to those who are responsible for completing Form I-9 at the company. ICE may ask employees who were listed in the notice of inspection for additional documentation to establish their employment eligibility.	The FDNS officer will typically request to speak with the employer's representative who signed the Form I-129. However, since the site visit is unannounced and the employer's representative may not be available, the FDNS officer can ask to speak to another employer representative such as an HR Manager. The FDNS officer may also request to speak with the H-1B/L-1 employee at some point during or after the worksite visit.	The inspection will likely include individual interviews with company personnel – particularly the F-1 student's manager or supervisor. The company representative who is familiar with the training plan forms may speak with the officer. While the ICE officer may ask to speak with the F-1 trainee, you should not allow the officer to speak with the employee alone.	The ICE officer should only speak to the designated company representative. ICE may try to talk to, question, or make requests of employees, but employees have the right to remain silent and they may choose not to speak to the officer. Employees should be made aware that they have the right to remain silent and that anything they say can be used against them later.
Can The Government Agent Tour The Worksite?	ICE may ask to enter the premises to inspect the I-9 files. If they do, make sure a company representative accompanies them at all times and that the permission is strictly limited to inspecting I-9 files.	Yes, the FDNS officer may request a tour of the employer's facility, and they may take photographs of the facility.	Yes, ICE may request to view F-1 trainee workspaces or receive a tour of the premises.	No, ICE agents are only allowed in public spaces like the parking lot or the lobby unless they have a signed judicial warrant or obtain your consent. Even with a judicial warrant, they should only be able to enter the area described on the warrant signed by the judge.