

USCIS Site Visits

- The purpose of these visits is to verify that employer and foreign national immigration-sponsored employee are complying with the terms of the approved nonimmigrant visa petition (such as H-1B or L-1).
- Site visits are unannounced and conducted by a Fraud Detection and National Security (FDNS) officer.
- Employer should ask to see the officer's identification and business card. Employer may call the number on the business card to verify the officer's credentials.
- Employer can ask to have immigration attorney to be present during the visit. The officer will not reschedule the visit but may allow attorney to be present by phone.
- The officer will ask to speak to an employer representative (usually HR Manager), the employee, and/or the employee's direct supervisor or manager. The employee should be clear on the scope of their job and should be able to explain their work accurately.
- The officer may ask for a tour of the worksite, the employee's work area, and may ask to photograph the worksite. If the officer takes photographs, employer should ask for copies of them.
- The officer may ask for payroll records, foreign employee's paystubs, or an organizational chart.
- Employer should cooperate during the site visit as long as the officer's requests are related to verifying information related to the nonimmigrant visa petition.
- Company representative should accompany the officer during the visit and take detailed notes, including officer's name, title, contact information; names of the individuals the officer interviews; questions asked and responses given; list all documents and retain copies of all documents provided to the officer.
- If there is a discrepancy with the information listed on the nonimmigrant visa petition and information gathered during the visit, the officer may request clarification from employer or employee via email or phone. In cases like this, contact GT for assistance as soon as possible.

DOS Phone/Email Inquiries

- The purpose of this correspondence from the Department of State (DOS) is to confirm that the appropriate employer/employee relationship exists for a consulate to issue a visa.
- Typically, the DOS will reach out via phone or email to request information related to the foreign employee's employment, including but not limited to: full legal name of employer; job title; job description, offered salary; and work site address.
- Prior to responding to the DOS, company representative should forward email correspondence received from DOS to GT to confirm that the request is legitimate.
- Company representative should also contact the foreign national immigration-sponsored employee to confirm that they have applied for a visa stamp (unless company is already aware of visa application).
- If there is a discrepancy between information provided on the nonimmigrant visa petition and the response received from company, the visa may be denied.

Be Prepared

- Develop Standard Operating Procedures and Guides:
 - Immigration Response Team Information Sheet
 - ICE/USCIS Visit Form
- Keep I-9 compliance program including training in proper procedures for I-9 verification and document review, and I-9 recordkeeping.
- Document good-faith efforts to comply with I-9 and immigration sponsorship rules, including keeping records of audits, training, and corrective actions.
- Designate an Immigration Compliance Officer.
- Train personnel who interface with the public (Receptions, HR Managers, Compliance Officers).
- Ensure proper classification of and immigration compliance related to contractors.
- Organize records to be able to provide documentation quickly.

ICE Site Visits

- Immigration and Customs Enforcement (ICE) conducts site visits for three main reasons:
 - To locate, or take into custody, a particular individual;
 - To perform inspection of employer's Form I-9 documentation ("I-9 Audit");
 - To perform a workforce enforcement action ("raid").
- Employer should verify if the officer is with ICE by asking for identification and business card and contact GT immediately.
- ICE I-9 Audit: ICE delivers notice of inspection (NOI) and usually a subpoena requesting Forms I-9 and supporting documents such as copies of I-9 documents and E-Verify paperwork.
- ICE raid requires a Search Warrant. Employer should examine the warrant carefully and make sure it identifies: (1) the agency/officers; (2) the location to be searched; (3) the specific items/ records (incl. I-9s, tax records, or other business documents) or individuals to be seized (if known); and (4) the expiration date.
- Employer has the right and should accompany ICE officer during the search. Employer should take notes on what is occurring, make a list of all items/files seized and make copies of all documents seized. Most states allow employers video tape the visit as long as they are not interfering with law enforcement operations.
- Employer's representatives, employees and supervisors are not required to answer any questions. They are not required to sign any documents.
- If an employee is to be interviewed as a representative of the employer, the employer has the right to have counsel present during any such questioning.
- Employer has the right to continue operating its business during the ICE visit, and to deny officers permission to access non-public areas of the employer's property absent a valid warrant.
- For unionized employees (if any), employer may be required to notify employees and their union within 72 hours of receiving an NOI and/or an ICE site visit.

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