

DATE: January 9, 2020

TO: Faculty, Principal Investigators, Deans, Assistant Deans, DLC HR Administrators, and MIT supervisors

RE: **Potential Site Visits by US Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE)**

FROM: Penny Rosser, Director

This is to inform you that the US Department of Homeland (DHS) Immigration and Customs Enforcement (ICE) has started conducting site visits to employers of F-1 post-graduate students, working during periods of STEM OPT (optional practical training). ICE is authorized to do so by the regulations at [8CFR 214.2\(f\)\(10\)\(ii\)\(C\)\(11\)](#). The announcement can be seen on the [Study in the States website](#).

Your department, laboratory or center may have one or more foreign national, post-graduate students in your area who hold F-1 visa status with STEM OPT work permission. These employees are most likely Postdoctoral Associates or Fellows, but could be Research Scientists/Associates, Visiting Scholars or hold some other title.

You may be contacted directly by a DHS/ICE agent to schedule a site visit. Normally, DHS/ICE will contact the supervisor of F-1 STEM OPT worker/trainee and give 48 hours' advance notice, usually by email, although that may not always be the case. If you are contacted, you are encouraged to inform the human resources administrator in your DLC headquarters and Penny Rosser, Director of the International Scholars Office at (617) 253-2851 or pennysun@mit.edu.

To be granted STEM OPT work authorization, these foreign national students were each required to complete a "Training Plan for STEM OPT Students" (DHS Form I-983) with their MIT supervisors/faculty hosts, who then signed the plan. The purpose of the DHS/ICE site visit is to confirm that the employer has sufficient resources and supervisory personnel to effectively provide the training, and that the foreign national is appropriately engaged in that activity. DHS/ICE may also ask for the information used to determine wages of the foreign national and/or similarly situated U.S. workers.

To prepare for the site visit and to answer questions about the STEM OPT employee's appointment/employment, ***you should ask the employee to provide you with a copy of his/her Form I-983, STEM OPT Training Plan for reference***, if you do not already have a copy. Please, also take note of the guidance below:

- DHS/ICE officers are required to show their official badges and identify themselves upon arrival. Be sure to see these upon introducing yourself.
- You may meet with the DHS/ICE officer at your administrative office, the International Scholars Office, a conference room, or other location.

- The conversation should be about the F-1 STEM OPT employee in question, rather than other employees, students or faculty.
- If you are asked questions to which you do not know the answer, inform the officers that you can look into the questions and get back to them after the visit.
- DHS/ICE officers may ask for a tour of the employee's worksite. The officers can be shown the office/desk of the employee and the general location of a laboratory.
- For safety and liability reasons, entry into an MIT experimental laboratory containing chemical, biological materials or equipment may be restricted. If a DHS/ICE officer makes a specific request to enter a laboratory, it may or may not be possible. Published guidance from MIT Environmental Health and Safety (EHS) indicates visitors should be met by the laboratory contact, who will explain any restrictions and/or protocols. If it is determined that entry to the lab is permitted, the laboratory contact should explain any safety and protective equipment requirements for the area to be visited. Per EHS guidance, outside visitors to MIT laboratories should be escorted at all times.
- You may be asked how an employee's salary was determined. For postdocs, please refer the officers to the [Vice President for Research's Postdoc salary guidelines](#) or NIH guidelines. For non-postdocs, if you are unsure how a specific salary determination was made, you can provide the information later (after consulting the HR administrator in DLC headquarters).
- If copies of appointment letters or payroll records for the F-1 STEM OPT employee are requested by DHS/ICE officers, consult the HR administrator in your area for the information. Note: Unencrypted documents and records should **not** be sent over email. Respondents may request a fax number or mailing address to which the requested documentation can be sent.