

## Inspection of Employers Using STEM OPT F-1 Student Beginning, DHS Announces

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Continuing the Administration's high scrutiny of businesses using foreign workers, including highly skilled visas, the Department of Homeland Security has announced that it will be conducting inspections of employers employing F-1 students using STEM Optional Practical Training to work. Under [the STEM regulations](#), ICE has the discretion to conduct on-site inspections. Reportedly, it has started inspections.

The [purpose of the inspections](#) is to confirm that employers and student-employees are complying with all STEM OPT requirements and attestations in the Form I-983, Training Plan for STEM OPT Students.

The Form I-983 [requirements are](#):

- The employer has sufficient resources and trained personnel to provide appropriate training to the student;
- The student will not replace full-time or part-time, temporary, or permanent U.S. workers;
- The student's compensation and other working conditions are commensurate with those of similarly situated U.S. employees;
- The student will have the opportunity to attain training objectives;
- The employer plays an active role in ensuring the integrity of program;
- The student completes an annual self-evaluation that is reviewed and signed by the employer annually and submitted to the DSO; and
- The student and employer report any material changes, termination, change in employer, or employee's non-compliance with the program (e., failure of the student to report for work for five consecutive days).

If violations are discovered, the consequences can be dire — a student can be found “out of status” and [future adjudications could be negatively affected](#).

In addition, under the Administration's focus on possible “fraud” [at third-party worksites](#), ICE likely will focus on STEM OPT students who are training at their employer's client sites. This is typically found in the IT sector.

To prepare, employers should consider:

- Training a first-responder and a back-up staff member to interact with the ICE inspector;
- Ensuring the relevant student-employees and managers are aware of everything in the Form I-983; and
- Maintaining a process for reviewing Forms I-983 to ensure compliance and appropriate updating.

According to [the regulations](#), ICE will give the employer two days' notice before the inspection (unless the inspection is based upon a complaint). That may not enough time to prepare if the student is at a client site.

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