

Legal Alerts

# Employer Protocols for Managing Immigration Enforcement Visits

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Over the weekend, multiple federal agencies coordinated on a nationwide immigration enforcement effort that is likely to continue. The Washington Post reports that Trump Administration officials have directed Immigration and Customs Enforcement (ICE) to significantly ramp up arrests which could pressure officers to make more arrests, potentially violating civil rights. As the new administration ramps up its immigration enforcement activity and dedicates new resources to the effort, employers should ensure they are prepared for potential site inspections or raids by ICE or other agencies. Developing a plan of action can minimize disruptions to your business and protect the rights of your company and your employees. Below, we outline key considerations and practical steps for employers to protect their businesses and ensure compliance during ICE inspections.

## Responding to an ICE Visit

### Prepare a Response Plan Ahead of Time:

- Only authorized representatives should interact with ICE agents.
- Ensure employees have access to the designated representatives and/or immigration counsel for an immediate response.
- Training and practice – your employees will be more prepared if they know what to say and do.

### During the Visit:

- Know Your Rights: Unless ICE agents present a proper judicial warrant issued by a federal court or a state court, they do not always have the right to enter your business place (except for public areas which include and are not limited to a parking lot, lobby/reception or waiting area), stop or arrest your workers or take documents.
- If ICE agents have questions or requests, workers should say nothing, or say, "I do not have authorization to permit entry to the private area. Please talk to my employer."
- If ICE detains any workers, ask the ICE agents where they are being taken. This information will help the worker's family and lawyer find the person.
- Document all interactions and mark them as "*Privileged and Confidential: Prepared at Direction of Counsel.*"

### After the Visit:

- Finalize and share notes with immigration counsel.
- Debrief staff to reinforce protocols and address any concerns.

## Employee Rights

Employers should remind employees of their rights during an ICE encounter:

- Right to Remain Silent: Employees are not required to answer questions about immigration status or country of origin.
- Right to Legal Representation: Employees may request an attorney before answering questions or signing documents.
- Entry Requires a Warrant: ICE agents must present a valid search warrant signed by a judge to enter private property.

Providing employees with know-your-rights resources and access to legal counsel is essential.

## Preparing for a U.S. Citizenship and Immigration Services (USCIS) Fraud Detection or I-9 Inspection Site-Visit

### Reception Protocols:

- Train reception staff to:
  - Politely request government-issued photo identification, business card and/or agency credentials.
  - Record the officer's name, agency, purpose of the visit and contact details.
  - Notify the appropriate company representative and contact immigration counsel immediately.

### Designate a Point of Contact:

- Identify a knowledgeable representative (e.g., HR Director or I-9 signatory) who is familiar with relevant employment records to engage with the site inspector.

### Maintain Updated Records:

- Regularly conduct internal audit of I-9s, Public Access Files and related employment documentation to ensure accuracy and compliance.

### Conduct Interviews Thoughtfully:

- Interviews should take place in a private setting, with another staff member present to take notes.
- If the proper representative is unavailable, schedule a follow-up meeting to provide answers, avoiding any perception of noncompliance.

## Next Steps

If you have any questions or need additional resources, please contact [Leo C. Peng](#) or any member of our [Labor, Employment & Immigration](#) team.

*This alert is intended to provide general information and does not constitute legal advice. Always consult with counsel for specific guidance tailored to your needs.*

## Authored by

[Leo C. Peng](#)

[Principal|Seattle](#)

[206.816.1537](#) [leo.peng@foster.com](mailto:leo.peng@foster.com)

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