

Handling Unannounced Government Visits

Recent changes in government leadership have heightened employers' concerns about potential visits from government enforcement agencies. For those unfamiliar with handling such visits, preparation is key. **Here's how employers can respond effectively:**

1. Make a Prevention Plan with Employment Counsel

Make an emergency connection plan to **notify counsel when agents arrive**. Audit and permissibly correct employee files (e.g., I-9s, payroll), organize them according to audit-type, train staff on compliance, and update policies to meet current regulations.

2. Be Prepared and Stay Calm

Call your employment counsel. Employers should designate a **primary spokesperson** to handle interactions with government agencies such as **U.S. Immigration and Customs Enforcement (ICE), the Occupational Safety and Health Administration (OSHA), the Department of Labor (DOL), or law enforcement**. This individual should be **onsite daily**, with a **backup designee** in case of absence.

Establish a **communication protocol**, ensuring that key personnel—including legal counsel, senior management, and HR leadership—are promptly notified before engaging with agency representatives.

3. Verify Credentials & Understand the Visit's Purpose

The designated representative should **professionally greet the agency official, verify credentials, and request documentation** outlining the purpose of the visit (e.g., warrant, subpoena, or audit notice). If no copy is provided, ask to make one.

4. Determine the Scope of the Visit

The type of warrant or request dictates what access should be granted:

- **Administrative Warrant (ICE – Form I-200 or I-205):**
 - **Does NOT allow access to non-public areas** unless voluntarily permitted.
 - The organization is only required to provide basic public information.
- **Judicial Warrant (Signed by a Judge):**
 - **Must be complied with**, granting access only to the specific areas listed.
 - Employers should document the agent's actions but **not interfere**.
- **Subpoena for Employee Records (I-9 or EEO-1 Audit Request):**
 - **Employers must comply** but can request time to gather documents (often up to 72 hours).
 - Do not provide immediate access; instead, organize and submit documents as required.

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5. Limit Unnecessary Information Sharing

- **Do not voluntarily provide additional information or documents.**
- Keep responses **concise and strictly to the point**—avoid informal discussions.
- **Do not consent to searches** of non-public areas unless presented with a judicial warrant.

6. Protect Employee Rights

Employees should be **informed of their rights**, including:

- The right to remain silent and **not answer questions** without legal representation.
- Participation in interviews is **voluntary**, except in **OSHA investigations**.

7. Document Everything

- **Record agent names, badge numbers, the time of arrival, and the visit's purpose.**
- **Take detailed notes** on interactions, questions asked, and actions taken.
- **Do not sign anything** without consulting legal counsel.

8. Make a Plan with Legal Counsel for Next Steps

After the visit, **submit all documentation to legal counsel** and review next steps to ensure compliance and address any potential issues.

By having a **clear response plan**, employers can ensure compliance while safeguarding their organization and employees' rights.



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