

Quick Guide: Worksite Visit Q&A for Employers

Q: Why would federal agents come to our workplace?

A: The government could come to our workplace for different reasons. They could request access to specific areas of our premises, seek information about employees or documentation, or serve a subpoena or warrant for records or to inspect physical areas.

Q: How should we prepare for potential worksite visits?

A: As best practice, you should:

- **Designate Points of Contact.** Assign a primary representative and an alternate and train them on compliance and interaction protocols. Alert reception staff and key personnel about potential visits and ensure they understand escalation procedures.
- **Know Your Workforce.** Understand your employee makeup and their immigration statuses.
- **Organize Documents.** Keep organized and accessible records, including corporate documentation, visa petitions, STEM OPT training plans, LCAs, payroll records, and I-9 records.
- **Ensure Employee Awareness.** Inform employees of potential visits and their rights. Employees should confirm job title, duties, and salary, refer investigators to the designated representative, and avoid extraneous information.
- **Reinforce Facility Readiness.** Ensure compliance with OSHA standards and display required notices.

Q: What legal documents should we ask the agent for?

A: You should ask the government if they have a subpoena or warrant.

Q: How do subpoenas and warrants differ from each other?

A: Subpoenas are generally used to obtain records or information or to compel someone to appear in court on a future date. Warrants are generally used to obtain immediate access to premises and people, usually for activities like arrests, searches, and seizures.

Q: Who signs subpoenas and warrants?

A: Both types of court orders can either be signed by a government official (administrative subpoena or warrant) or a judge or magistrate (judicial subpoena or warrant).

Q: What impact does the signatory have?

A: A judicial subpoena or warrant requires compliance. A judicial warrant can either be a search or an arrest warrant. It must have the correct date and location to be valid. However, agents can only access the locations specified in the warrant. An administrative subpoena or warrant only gives ICE the right to arrest the specified non-citizen. It does not allow entry into private areas or to search the facility.

Q: What should we do during the worksite visit?

A: After verifying inspector credentials and noting their name, title, agency, and contact information, you should:

- Ask for a subpoena or warrant. If you need time or a different person to review documentation, ask the agent to remain in a public area. Without a judicial subpoena or warrant, compliance is not required.
- Politely request rescheduling if the designated contact is unavailable.
- Contact legal counsel.
- Meet with the investigator in a conference room rather than in an open area or your office.
- Take detailed notes about the investigator's questions and your responses.
- Do not allow the investigator to wander through the premises. Insist on accompanying the investigator at all times and ensure they specify what they want to see.
- Take detailed notes about every location visited, questions asked, and records reviewed.
- Be present for all conversations between the investigator and any employee and document these discussions in detail.
- Ask the investigator to specify requested records. Avoid handing over files that may contain private or irrelevant information.
- Do not allow the investigator to remove documents. Offer to photocopy necessary items and forward them to the investigator's office later.

Please [contact](#) Garfinkel Immigration Law Firm for further guidance or assistance with worksite visits.

This Q&A is intended for informational purposes only and does not constitute legal advice.

