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## What An Employer Should Do if ICE Conducts an Unannounced Visit to Its Workplace

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Many employers these days are becoming increasingly concerned about the possibility that their workspace may be visited by Immigration and Customs Enforcement (“ICE”). ICE agents may arrive at an employer’s office or building without warning as part of an investigation to attempt to search and seize property and/or to try to find and/or detain a particular person. It is important for employers to have a plan in place for such a situation, including a written policy.

### When ICE Enters A Workplace

ICE agents may enter the public areas of a workplace, just as they may enter public areas of any location. They do not need permission or authorization in order to do so. However, ICE agents may not enter a workplace closed to the public or the private areas of a workplace without permission or a judicial warrant. Because such ICE “raids” occur without any forewarning and may create panic, an employer should provide instructions to its employees in anticipation of such a raid.

A priority for any Employer is to insure a safe and orderly workplace. Employees should be encouraged to remain calm and immediately contact immediate supervisors or management should agents of ICE enter the workplace. The employer should designate at least one employee to interact with ICE personnel (“designated employee”). The designated employee(s) and those who are likely to encounter ICE, such as receptionists, should be trained on their legal obligations concerning granting access to premises, understand that they may request confirmation of a warrant, and they must avoid obstructing justice.

It should also be noted that there may be FDNS or other investigatory visits unrelated to ICE or HSI and these visits may not involve enforcement actions. These visits represent some exceptions to typical ICE operations. Seek legal advice before responding to requests of certain governmental entities.

### Judicial Warrant Necessary For ICE Agents To Enter Private Spaces

If an ICE agent attempts to enter or asks permission of an employee to enter a private building or office, or the private areas of a building or office, the designated employee(s) may be authorized by the employer to consent or may be instructed by the employer to seek confirmation of the existence of a warrant before granting access to private areas of a workplace. If ICE agents claim to have a judicial warrant, the designated employee should ask for a copy and read it before granting agents permission to enter a private space if they have been so instructed by their employer. The warrant will generally contain the words “U.S. District Court” and the name of the Magistrate or District Court Judge that authorized the warrant. Administrative warrants or those signed by an immigration judge are not currently legally sufficient to grant permission for ICE agents to enter private spaces.

**TAKEAWAY:** Employers should have a policy, and a plan, in the event of an ICE raid on their workplace. If you have questions on the rights of an employer during an ICE raid or would like a policy and plan tailored to your workplace, contact [Stephanie Gironda](#) or any member of the [Wilentz Employment Law Team](#).

### Attorney

- Stephanie D. Gironda

## Practice

- Employment Law