



NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS

ALERT MEMORANDUM

HOW DO YOU RESPOND WHEN THE DEPARTMENT OF HOMELAND SECURITY (DHS) SHOWS UP AT YOUR FARM, RANCH OR BUSINESS?

April 26, 2006

The following is a summary of some practical steps that should be considered before you receive an unexpected visit by a representative of DHS or the Department of Labor wanting to conduct an audit, execute a search warrant or apprehend employees for alleged immigration law violations:

- Review your current employment practices and procedures to make sure they comply with the law. Make sure your staff is properly carrying out your employment verification policies and procedures in a consistent manner.
- Review your recordkeeping policies and practices to ensure that you are keeping the proper records for the required periods of time. Perform a “spot check” of I-9 Forms and other documents to make sure they are being properly and consistently filled out by responsible staff.
- Designate a management representative who is authorized to meet and talk with DHS or DOL personnel when they visit your business. Educate the representative regarding appropriate procedures, including when to call the owner or the company’s attorney. Make sure that other employees know to refer inquiries from the government to the designated representative.
- The company representative should always be polite and assume an attitude of cooperation with DHS and DOL but always ask for proper identification before doing so, if it is not offered by the government representative.
- Educate designated company representatives that DHS must have a search warrant to enter the premises of a farm or open property being used for agricultural purposes to seize evidence or apprehend employees, unless the owner or its designated agent consents or the property is located within 25 miles of the U.S. border.
- In the event of a criminal investigation, as evidenced by the issuance of a search warrant authorizing the seizure of computer records and other employment-related documents, review the search warrant and make sure that only those items listed on the warrant are taken and make an inventory of what is taken. Call the company attorney as soon as possible to seek advice and determine how much you and other employees should cooperate, particularly with regard to interviews.