

Ian Wagreich Outlines 8 Best Practices for Business Owners Responding to HSI and ICE Investigations

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Hinshaw immigration partner Ian Wagreich was recently featured in the Washington Business Journal, where he discussed the issue of business owners preparing for potential investigations by Homeland Security Investigations (HSI) and Immigration and Customs Enforcement (ICE).

Wagreich outlined a series of best practices for responding to government investigations and warrants. These include verifying the validity of the warrants, documenting all relevant information, engaging legal counsel, and understanding legal rights during searches. He also emphasized the necessity of maintaining proper employment documentation, particularly I-9 forms, as audits are expected to increase.

8 Best Practices for Business Owners

1. Verify the Warrant or Subpoena

- Ensure that the warrant issued by Homeland Security is valid. It must be signed and dated by a judge. Be wary of internal documents or unsigned orders, as these may not hold up in court. The warrant should clearly describe what is being sought.

2. Document Relevant Information

- Record all essential details regarding the warrant, including the name of the supervising agent and the U.S. attorney involved in the case.

3. Engage Legal Counsel

- Contact your attorney immediately and provide them with the warrant details. They will act as your advocate throughout the investigation and can help navigate the legal implications.

4. Understand Your Rights

- While you may accept the warrant, you are not obligated to consent to the search. Agents may proceed with their search even if you object, but this could be important should your attorney challenge the search later.

5. Know the Agents' Authority:

- Agents have the authority to shut down equipment and restrict employee movement without permission. They may also separate employees for questioning, so be aware of these actions.

6. Maintain Representation During Searches

- A company representative has the right to accompany agents during their investigation. This representative should take notes on items seized and request copies of any documents taken, as this information may assist your attorney later, although the agents may decline this request.

7. Limit Access to Areas Without a Warrant:

- Owners have the right to refuse agent access to areas not specified in the warrant. If they attempt to search outside the warrant's parameters, you can voice your objections; however, you must not interfere with their actions. If the area is covered by the warrant, even if locked, you must grant access.

8. Avoid Unwarranted Interrogation

- Do not allow federal agents to interrogate you or your employees without the presence of a lawyer. Employees also have the right to remain silent. If approached by agents, employees can inquire if they are free to leave and request legal representation if they feel uncomfortable.

Additionally, Wagreich encourages business owners to conduct regular internal audits and ensure compliance to avoid legal complications. This is especially important given the anticipated rise in immigration enforcement, which is expected to particularly impact industries such as agriculture, manufacturing, and hospitality.

[Read the full article](#) (subscription may be required).

- [“Immigration enforcement is ramping up. Here’s what it means for businesses.”](#) was published by the *Washington Business Journal* and other sister *Business Journal* publications on January 29, 2025.

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