

October 24, 2019

Immigration Inspections

Action plan for future inspections

Now:

- **Train.** Provide the company's front staff with information and instructions what to do if a government official arrives at a worksite in the context of an inspection.
 - Request a copy of his or her business card or credentials.
 - Contact an identified employer representative who is the point person for government inspections.
 - Request the inspector leave related documents or wait in a conference room until the employer contact arrives.
 - Refrain from volunteering information or engaging in unnecessary conversation.
- **Prepare.** Consider your records and have an action plan for response.
 - Consider self-audit.
 - Understand your strengths and weaknesses.
 - Do a practice inspection visit with front desk staff.

Action plan for future inspections

The “S Word” (If you get a subpoena):

- **Read it.**
 - Figure out who issued the subpoena, what (exactly) they want, and in connection with what proceeding
- **Assess validity.**
 - Check to see that the subpoena has been properly filled out and served and confirm that it was issued within the relevant jurisdiction.
- **Review record request.**
 - Assess whether you have the requested records, where they are, and how burdensome it will be to retrieve them.

Action plan for future inspections

During:

The Investigator is on site:

- **Meet with the investigator before the inspection.**
 - At this meeting determine and agree upon the scope of the investigation. What prompted the investigation? Complaint? Random? Industry Emphasis?
- **Call Counsel.**
 - Can you/do you want to require a warrant?
 - Do you want the presence of counsel?
 - Check-in on issues such as employee interviews and communications.
- **Manage the Inspection.**
 - Make sure the inspection is limited to the defined scope set in the preliminary meeting. Do not let the inspector wander into other areas.
- **Document the Inspection.**
 - Take careful notes of what was inspected. Take photos or copies of everything the inspector takes.
- **Be cooperative and friendly, but do not volunteer information or seek advice.**
 - Remember, the inspector's job is to look for violations and issue citations.

Action plan for future inspections

Follow-up:

- **Learn as much as you can during the “closing conference” at the end of the inspection.**
- **Be prepared to contest citations.**

Questions?

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