Raids, Rights, and Repercussions: Lessons from Operation Metro Surge

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Introduction

In December 2025, the Department of Homeland Security launched what the federal government described as the "largest immigration enforcement operation ever," deploying thousands of Immigration and Customs Enforcement (ICE) officers and Customs and Border Protection (CBP) agents to the Minneapolis–St. Paul metropolitan area.[1] Dubbed "Operation Metro Surge," the enforcement action drew immediate national attention not only for its unprecedented scale but also for the legal controversies it generated over the constitutional limits of federal enforcement authority, including questions about the federal government's ability to enter and inspect workplaces.[2]

As of February 2026, the federal government claims that the operation has resulted in more than 4,000 arrests.[3] It also triggered nationwide protests, multiple federal lawsuits, and an intense public debate about the boundaries of immigration enforcement in American workplaces and communities.[4] For employers and their counsel, Operation Metro Surge offers critical lessons about the intersection of federal immigration authority, constitutional protections, and workforce management.

Legal Landscape

Employers concerned about immigration enforcement should understand the relevant legal landscape, including federal immigration enforcement authority, constitutional protections

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[1] Katie Angell et al., *2025–26 Minnesota ICE Deployment*, BRITANNICA (Feb. 15, 2026), https://www.britannica.com/event/2025-26-Minnesota-ICE-Deployment; *see also, e.g.*, Dana Thiede, *Activists Want Answers After ICE Raid on St. Paul Business*, KARE11 (Nov. 19, 2025), https://www.kare11.com/article/news/local/activists-want-answers-after-ice-raid-on-st-paul-business/89-27bd081e-9a29-4b5e-ba0d-ec139086a934.

[2] Danya Galnor & Priscilla Alvarez, *Minnesota, Twin Cities Sue Trump Administration over Unprecedented Immigration Operations*, CNN (Jan. 12, 2026), https://www.cnn.com/2026/01/12/us/minneapolis-immigration-officers-mobilizing-protests.

[3] *New Milestone in Operation Metro Surge: 4,000+ Criminal Illegals Removed from Minnesota Street*, THE WHITE HOUSE (Feb. 4, 2026), https://www.whitehouse.gov/articles/2026/02/new-milestone-in-operation-metro-surge-4000-criminal-illegals-removed-from-minnesota-streets/.

[4] Jennifer Ludden & Liz Baker, *Amid Lawsuit and Protests, Trump Sends Border Czar to Minnesota*, NPR (Jan. 26, 2026), https://www.npr.org/2026/01/26/nx-s1-5688835/leadership-shakeup-amid-protests-lawsuits-immigration; *see also New Case Collection: Operation Metro Surge*, C.R. LITIG. CLEARINGHOUSE (Feb. 5, 2026), https://clearinghouse.net/post/1179/ (compiling lawsuits about Operation Metro Surge).

that apply to the workplace, and the potential tension between federal enforcement and local authorities.

First, immigration enforcement in the United States is primarily conducted by two sub-agencies within the Department of Homeland Security (DHS), specifically, U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). ICE is responsible for interior enforcement, including the apprehension of individuals with removal orders, whereas CBP traditionally focuses on border security but has authority to support some interior enforcement actions.[5] In addition, thousands of law enforcement officers from other agencies have been detailed to ICE to assist in immigration enforcement.[6] Generally, federal immigration officers possess broad statutory authority to question individuals about their immigration status, arrest individuals believed to be removable, and conduct investigations into potential immigration violations.[7]

However, this authority is not unlimited. The second point employers should understand is that the Fourth Amendment to the United States Constitution provides certain protections. Employers should know that the Fourth Amendment: (1) protects all persons within the United States—citizens and noncitizens alike—from unreasonable searches and seizures; (2) provides different protections depending on the nature of the space at issue—public areas that are freely accessible to members of the public (such as a reception area or retail floor) receive less protection because individuals have a diminished expectation of privacy in such spaces, whereas, private areas (such as offices, employee-only zones, locked warehouses, and areas marked "private" or "employees only") are entitled to constitutional protection; and (3) requires the government to obtain consent before entering a private area from someone inside the premises or a judicial warrant authorized by a "neutral and detached magistrate," which is different than an administrative warrant authorized by an ICE agent or DHS.[8]

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[5] Holly Straut-Eppsteiner, *Immigration 101: Executive Branch Agencies Involved with Immigration*, CONGRESS.GOV (June 7, 2023), https://www.congress.gov/crs-product/IF12424; *Legal Authority for the Border Patrol*, U.S. CUSTOMS & BORDER PROT. (Feb. 12, 2026), https://www.help.cbp.gov/s/article/Article-1253?language=en_US.

[6] David J. Bier, *ICE Has Diverted Over 25,000 Officers from Their Jobs*, CATO INST.: CATO AT LIBERTY (Sept. 3, 2025), https://www.cato.org/blog/ice-has-diverted-over-25000-officers-their-jobs.

[7] 8 U.S.C. § 1357.

[8] U.S. CONST. amend. IV; *See v. City of Seattle*, 387 U.S. 541, 545 (1967) (concluding that entry to search "portions of commercial premises which are not open to the public may only be compelled" through Fourth Amendment warrant procedures); *O'Connor v. Ortega*, 480 U.S. 709, 717 (1987) (determining public employees retain Fourth Amendment rights in private work areas); *Riley v. California*, 573 U.S. 373, 382 (2014) (stating that warrants under the Fourth Amendment provide protection by requiring review by "a neutral and detached magistrate instead of . . . the officer engaged in . . . ferreting out crime" (quoting *Johnson v. U.S.*, 333 U.S. 10, 14 (1948))); *see also* Hannah James, *DHS Warrantless Home Entry Memo's Fourth Amendment Problem*, BRENNAN CTR. (last updated Feb. 4, 2026),

Finally, Operation Metro Surge highlighted growing tensions between federal immigration enforcement and state and local authorities. Minnesota's Attorney General, alongside the cities of Minneapolis and St. Paul, filed a federal lawsuit challenging the operation on multiple constitutional grounds, alleging that the operation unconstitutionally targeted Minnesota based on the state's political leanings and enaction of "sanctuary" laws prohibiting participation in federal immigration enforcement, constituted federal commandeering of state resources in violation of the Tenth Amendment, and violated the Administrative Procedure Act through arbitrary and capricious agency action.[9] While the district court ultimately denied a preliminary injunction halting the operation,[10] the litigation underscored the legal complexities that arise when aggressive federal enforcement intersects with state sovereignty concerns. These tensions create additional uncertainty for employers given that some states have recently sought to enact laws related to how employers should respond to immigration enforcement activities.[11]

Employers' Response When ICE Comes to the Workplace

Prepare for How to Immediately Respond

The arrival of immigration agents at a business creates an immediate and high-stakes situation that requires careful navigation. Employers must balance their obligation to avoid obstructing legitimate law enforcement activities with their right to protect their business interests, their employees, and their constitutional rights. Accordingly, when immigration agents appear at a workplace, critical first steps that employers should take are as follows:

1. **Verify Agent Identification.** Request that the agents identify themselves and their agency. ICE officers should present credentials and be able to provide their names and badge numbers.[12] Even if they refuse to do so, employers should document the identity of agents to the extent possible, as this information may be relevant in any subsequent legal proceedings.

2. **Request and Review Warrants.** Ask to see any warrant the agents present. This is *the most important step* in determining the employer's legal obligations. If agents present a document, carefully examine it to determine whether it is a judicial warrant or an administrative

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https://www.brennancenter.org/our-work/analysis-opinion/dhs-warrantless-home-entry-memos-fourth-amendment-problem.

[9] *See generally* Complaint for Declaratory and Injunctive Relief, *Minnesota v. Noem*, No. 0:26-cv-00190 (D. Minn. Jan. 12, 2026).

[10] *Minnesota v. Noem*, ___ F. Supp. 3d ___, 2026 WL 253619, at *12 (D. Minn. Jan. 31, 2026).

[11] *E.g.*, Paris Barraza, *New California Laws Take on ICE, How Immigration Enforcement Occurs*, USA TODAY (Dec. 30, 2025), https://www.usatoday.com/story/news/california/2025/12/30/new-california-laws-on-ice-arrests-immigration-enforcement/87919168007/.

[12] *See* 8 C.F.R. § 287.8(c)(2)(iii).

warrant. Key indicators include who signed the document and which entity issued it. A judicial warrant will bear the signature of a state or federal judge or magistrate and will reference a state or federal court.[13] An administrative warrant—typically ICE Form I-200 (Warrant for Arrest of Alien) or Form I-205 (Warrant of Removal/Deportation)—is a document issued internally by DHS, and is signed by an immigration officer, not by a state or federal judge or magistrate.[14] Generally if a document is issued by ICE, DHS, or the Department of Justice (DOJ), it is an administrative warrant. If it is issued by a federal or state court, it is a judicial warrant.

If agents present only an administrative warrant, employers may politely but clearly state that they do not consent to entry into non-public areas without a judicial warrant.[15]

If agents present a judicial warrant, employers should carefully review its scope. A judicial warrant must specify the premises to be searched and the persons or items to be seized,[16] and employers should limit entry to the areas and purposes specified in the warrant. Employers should designate a representative to accompany the agents to ensure that the execution of the warrant remains within its authorized scope.

There are narrow exceptions to the warrant requirement that may permit entry without either type of warrant. Exigent circumstances—such as an imminent threat to safety, active pursuit of a fleeing suspect, or the potential destruction of evidence—may justify warrantless entry.[17] However, these exceptions are narrowly construed, and their application can be challenged in subsequent legal proceedings.

3. Identify Authorized Company Representatives. Only designated company representatives should interact with immigration agents. These individuals should be trained in advance on the company's policies and procedures. Front-line employees, including receptionists and security personnel, should be instructed not to consent to searches or answer substantive questions, but rather to contact the designated representative immediately.

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[13] *See Warrants and Subpoenas, What to Look Out for and How to Respond*, NAT'L IMMIGR. L. CTR., 3, 14–15 (Jan. 2025), https://media.nilc.org/wp-content/uploads/2025/01/2025-Subpoenas-Warrants_.pdf.

[14] *See id.* at 6, 16.

[15] *See, e.g.*, *Osny Sorto-Vasquez Kidd v. Mayorkas*, No. 2:20-CV-03512, 2021 WL 1612087, at *6 (C.D. Cal. Apr. 26, 2021); *Garrison G. v. Bondi*, No. 26-CV-172, 2026 WL 157677, at *4 (D. Minn. Jan. 17, 2026).

[16] U.S. CONST. amend. IV; *see also Groh v. Ramirez*, 540 U.S. 551, 551 (2004) (determining warrant that did not describe items to be seized was "plainly invalid").

[17] *See, e.g.*, *Kentucky v. King*, 563 U.S. 452, 460 (2011).

4. **Avoid Obstruction While Protecting Rights.** It is a federal crime to obstruct or interfere with immigration enforcement activities.[18] At the same time, declining to consent to a warrantless search of non-public areas is not obstruction—it is the exercise of a constitutional right. Employers should be courteous but firm in asserting their rights.

Develop Internal Response Protocols

Effective response to immigration enforcement requires advance preparation. Employers should establish and maintain the following protocols:

1. **Determine and Label Your Private and Non-Private Spaces.** Determine which spaces in your business are private and which are open to the public and place signs to clearly mark them as such. Do not assume it is obvious from the structure of your business space.

2. **Designate a Legal Point of Contact.** Identify in-house or outside counsel who can be reached immediately in the event of an enforcement action. This attorney should be familiar with the company's operations, workforce composition, and any prior interactions with immigration authorities.

3. **Train HR or Management Representatives.** Train designated managers or human resources personnel on the company's response procedures. These individuals should understand the distinction between administrative and judicial warrants, know how to contact legal counsel, and be prepared to serve as the company's representatives during an enforcement encounter.

4. **Document and Preserve Evidence.** Designate a person to document the encounter in real time, including photographing or copying any warrants presented; noting the time, location, and identities of agents; and recording what areas agents sought to access and whether consent was granted. This documentation may be critical in any subsequent litigation.

5. **Establish Internal Communication Procedures.** Establish protocols for communicating with employees during and after an enforcement action. Employees will be anxious and may have questions. Prepared internal communications can help maintain workforce stability and ensure that employees understand their rights.

What Employers Need to Know with Respect to Employees Targeted by Immigration Enforcement

When employees are detained, questioned, or arrested during immigration enforcement actions, employers face a complex set of legal and practical challenges. The manner in which employers respond can affect employee morale, expose the company to legal liability, and shape the organization's reputation.

[18] 18 U.S.C. § 111.

Handling Employee Detentions or Arrests

Employers generally have no obligation to provide information about specific employees unless presented with a valid judicial warrant or subpoena. However, employers should not take affirmative steps to conceal employees or help them evade enforcement, as this could constitute obstruction.[19]

If an employee is detained or arrested at the workplace, employers should take care not to interfere with law enforcement while also documenting what occurs. If possible, the employer should note which employees were affected and attempt to learn where they will be taken. This information can be critical for employees' family members and legal counsel.

Leave, Payroll, and Benefits Considerations

When employees are detained, employers must address immediate practical questions. If an employee is taken into custody during a shift, the employer must still compensate the employee for hours already worked.[20] Employers should review their policies regarding absences and determine how detained employees will be treated for payroll purposes.

Benefits administration also requires attention. Employers should review health insurance and other benefit plans to determine how employee absences due to immigration detention affect coverage. Employers may choose to continue benefits for a specified period or follow standard termination procedures.

Avoiding Discrimination and Retaliation Claims

Immigration enforcement creates significant discrimination risk. Employers must be vigilant not to take adverse employment actions based on an employee's actual or perceived national origin, citizenship status, or ethnicity, which is prohibited under the anti-discrimination provisions of Title VII of the Civil Rights Act of 1964 and the Immigration and Nationality Act.[21]

Employers should not assume that employees of particular backgrounds are more likely to lack work authorization, nor should they treat employees differently based on appearance, accent, or name. Selective enforcement of documentation requirements or different treatment of employees following an enforcement action can give rise to discrimination claims.[22]

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[19] *See id.*

[20] 29 U.S.C. § 206 (requiring employers to pay minimum wage); 29 C.F.R. § 785.11 (defining "work time" as all time during which an employee is "suffered or permitted to work").

[21] 42 U.S.C. § 2000e-2(a); 8 U.S.C. § 1324b(a).

[22] *See, e.g.*, 42 U.S.C. § 2000e-2(a); 8 U.S.C. § 1324b(a).

There may also be a risk of retaliation claims. Employees who raise concerns about immigration enforcement practices, question the legality of employer conduct, or participate in protests may be engaging in protected activity under various federal and state laws.[23]

Immigration Verification Obligations

Employers are required by law to verify the identity and employment authorization of *all* employees through the Form I-9 process regardless of each employee's national origin or perceived immigration status.[24] Employers should conduct periodic internal I-9 audits to ensure ongoing compliance and confirm that employees' work authorization remains valid and up to date. If ICE requests to review I-9 records, employers should understand their rights. ICE may conduct I-9 inspections, but these typically require at least three business days' advance notice.[25] Employers should have counsel review any inspection notice and ensure that I-9 records are organized and complete before the inspection occurs.

Resulting Employee Protests and Workplace Tensions

Large-scale immigration enforcement operations frequently generate protests and workplace tensions. Operation Metro Surge was no exception—the operation prompted sustained protests in Minneapolis and nationwide, with demonstrators following ICE vehicles, gathering outside detention facilities, and organizing community resistance.[26]

For employers, these dynamics create distinct challenges. Employees may wish to participate in protests, express political views at work, or take other actions that create tension within the workforce. Employees have varying degrees of legal protection for participating in protests, depending on the nature of the protest, the employee's role, and whether the employer is public or private.

Employers' Ability to Regulate Employee Conduct

Private employers have broad authority to maintain order in the workplace, and may prohibit employees from engaging in political discussions or displaying political paraphernalia during work hours, provided such policies are applied neutrally and do not target particular

[23] *See, e.g.*, 8 U.S.C. § 1324b(a)(5); 42 U.S.C. § 2000e-3(a).

[24] 8 U.S.C. § 1324a(b).

[25] 8 C.F.R § 274a.2(b)(2)(ii).

[26] *E.g.*, Danielle A. Scruggs, *Photos: Thousands Once Again Protest ICE in Minneapolis and Across the U.S.*, NPR (Jan. 30, 2026), https://www.npr.org/sections/the-picture-show/2026/01/30/g-s1-108087/photos-thousands-once-again-protest-ice-in-minneapolis-and-across-the-u-s; David Ostendorf, *Minnesota Shows Us that Resisting ICE Works*, TIME (Jan. 29, 2025), https://time.com/7358686/minnesota-resisting-ice-works/; Grace Eliza Goodwin, *Protesters and Lawmakers Gather Outside Texas Facility Where Minneapolis Child Is Held*, BBC (Jan. 28, 2026), https://www.bbc.com/news/articles/cn8jk5335vdo.

viewpoints.[27] For example, an employer that prohibits all political buttons treats employees consistently; an employer that prohibits only certain political messages risks claims of viewpoint discrimination.

In contrast, public employees retain First Amendment protections, but these protections are not absolute. Under the framework established by the Supreme Court in *Pickering v. Board of Education* and refined in subsequent cases, public employees have a qualified right to speak on matters of public concern unless it causes a substantial disruption to the workplace.[28]

Additionally, courts have generally recognized that employers may discipline employees for off-duty speech when the speech causes substantial disruption to workplace operations, undermines the employer's legitimate business interests, or makes the employee unable to perform job duties effectively.[29] The more public-facing the employee's role, the greater the employer's interest in regulating speech that affects business relationships.[30]

Employers should establish clear policies that inform employees of expectations while avoiding overly broad restrictions that may be unenforceable or create legal exposure.

National Labor Relations Act Considerations

The National Labor Relations Act provides important protections that may apply when employees engage in collective activity related to immigration enforcement. Section 7 of the NLRA protects employees' rights to engage in "concerted activities for the purpose of collective bargaining or other mutual aid or protection."[31] Employees who collectively protest working conditions, or take group action to address workplace safety, both of which could result from employee concerns about employer cooperation with immigration authorities, have potentially

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[27] *Hudgens v. NLRB*, 424 U.S. 507, 513 (1976) (confirming First Amendment does not restrict private employers' authority over employee speech); *First Nat'l Bank of Boston v. Bellotti*, 435 U.S. 765, 785–86 (1978) ("[W]here . . . suppression of speech suggests an attempt to give one side of a debatable public question an advantage . . ., the First Amendment is plainly offended.").

[28] *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968) (establishing framework balancing employee speech rights against employer's interest in maintaining efficient workplace operations); *see also Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 527–28 (2022) (describing test for evaluating public employee's First Amendment rights).

[29] *Connick v. Myers*, 461 U.S. 138, 151–52 (1983) (permitting employers to take action when they "reasonably believe[]" employee speech "would disrupt the office, undermine [the employer's] authority, and destroy close working relationships").

[30] *Rankin v. McPherson*, 483 U.S. 378, 390 (1987) ("The burden of caution employees bear with respect to the words they speak will vary with the extent of authority and public accountability the employee's role entails.").

[31] 29 U.S.C. § 157.

protected status under Section 7.[32] Accordingly, employers should be cautious before disciplining employees for group activities related to immigration enforcement.

Litigation Risks for Employers

Immigration enforcement actions can expose employers to a range of litigation risks. In-house counsel and employment litigators should understand these potential exposure areas and develop strategies to mitigate risk.

Discrimination Claims

Employees may allege that employers engaged in national origin discrimination during or after an immigration enforcement action.[33] Common theories include disparate treatment (treating employees of particular national origins less favorably), disparate impact (applying facially neutral policies that disproportionately affect particular groups), and hostile work environment (permitting harassment based on national origin or immigration status).[34]

Employers should document the legitimate, nondiscriminatory reasons for all employment decisions. Supervisors should be trained on anti-discrimination requirements, and any complaints of discrimination should be promptly investigated.

Retaliation Claims

Employees who oppose what they perceive as unlawful employer conduct, participate in investigations, or exercise statutory rights may be protected from retaliation.[35]

Employers should be particularly cautious when taking adverse action against employees who have raised concerns about immigration practices or the employers' related policies. Even if the underlying complaint lacks merit, discipline of a complaining employee may support an inference of retaliation if it follows closely in time.

Wrongful Termination Disputes

When employees are detained or fail to report to work due to immigration-related circumstances, employers must navigate termination decisions carefully. Hasty terminations may expose employers to claims of breach of contract, violation of established personnel policies, or discrimination.

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[32] *See Eastex, Inc. v. NLRB*, 437 U.S. 556, 565–66 (1978) (holding Section 7 protects employees who "seek to improve terms and conditions of employment or otherwise improve their lot as employees through channels outside the immediate employee-employer relationship").

[33] *See, e.g.*, 42 U.S.C. § 2000e-2(a); 8 U.S.C. § 1324b(a).

[34] *E.g.*, *National Origin Discrimination*, U.S. EEOC, https://www.eeoc.gov/national-origin-discrimination.

[35] *E.g.*, 8 U.S.C. § 1324b(a)(5); 42 U.S.C. § 2000e-3(a); 29 U.S.C. § 158(a).

Employers should review all applicable policies and contractual obligations before terminating employees. Consistent application of policies is also essential to avoiding claims that similarly situated employees were treated differently.

Civil Rights Claims Arising from Cooperation with Immigration Enforcement

Employers who cooperate with immigration enforcement—for example, by permitting access to non-public areas, providing employee information, or otherwise facilitating enforcement activities—may face claims from affected employees. Theories may include invasion of privacy, intentional infliction of emotional distress, or negligence.

Employers should understand their legal obligations and exercise care not to exceed them. Voluntary cooperation with enforcement activities should be undertaken only after consultation with counsel and careful consideration of potential legal exposure.

Subpoenas and Government Investigations

Immigration enforcement may be accompanied by government investigations and document requests.[36] Similarly to arrest and search warrants, employers should comply with judicial subpoenas, but are not required to comply with administrative subpoenas unless a state or federal court orders the employer to do so.[37]

Document preservation obligations arise when litigation is reasonably anticipated. Employers should implement litigation holds to prevent destruction of potentially relevant materials and ensure that employees understand their preservation obligations.

Coordination of Legal and Public Relations Responses

Large-scale enforcement actions often attract media attention. Employers should coordinate legal strategy with public relations efforts to ensure that public statements do not create legal exposure. Statements to the media should be reviewed by counsel before release.

Best Practices for Employers and Their Counsel

Proactive preparation is the most effective way to mitigate the risks associated with immigration enforcement. The following recommendations can serve as a practical playbook for employers:

1. **Develop an ICE Response Protocol.** Create a written policy that outlines the company's procedures for responding to immigration enforcement actions. The policy should identify designated representatives, establish communication procedures, and provide guidance on interacting with agents.

2. **Train Managers and HR Personnel.** Conduct regular training for managers, human resources staff, and front-line supervisors on the company's response protocols. Training should cover the distinction between administrative and judicial warrants, employees' rights, and the company's legal obligations.

[36] *See Warrants and Subpoenas, supra* note 13, at 4–5, 7, 17–22.

[37] *Id.* at 7–8.

3. **Designate Legal Response Contacts.** Identify in-house counsel or outside attorneys who can be reached immediately in the event of an enforcement action. Ensure that designated company representatives know how to contact these attorneys.

4. **Prepare Internal Communication Plans.** Draft template communications for employees that can be issued during or after an enforcement action. These communications should provide factual information while avoiding statements that could create legal exposure.

5. **Audit I-9 Compliance.** Conduct regular audits of Form I-9 records to ensure compliance with verification requirements. Correct any errors before an inspection occurs.

6. **Review Workplace Policies.** Ensure that workplace policies regarding political activity, social media use, and employee conduct are clearly written, consistently enforced, and compliant with applicable law.

7. **Coordinate with Outside Counsel During Enforcement Actions.** If an enforcement action occurs, contact legal counsel immediately. Real-time legal guidance can help the company navigate the encounter while protecting its rights.

Looking Ahead

Operation Metro Surge may have drawn down in Minnesota, but similar enforcement actions in other jurisdictions remain likely, and employers must be prepared to navigate a complex legal landscape that includes constitutional protections, federal immigration statutes, employment discrimination laws, labor relations requirements, and state and local regulations. The stakes are high. An inadequate response can result in legal liability, reputational damage, and workforce disruption.

The key takeaway is clear: companies that understand their legal rights and obligations, develop response protocols, and train their personnel will be far better positioned to navigate enforcement actions than those that wait until agents arrive at the door. The lessons of Operation Metro Surge underscore that advance preparation is no longer merely advisable, but essential.