

Immigration Enforcement at the Workplace

This guide will explain what immigration enforcement is, what to do if they come to your workplace, and how to be prepared in case of a raid.



What is ICE?

- ICE is the acronym for Immigration and Customs Enforcement, a federal agency under the Department of Homeland Security (DHS) that enforces immigration law.
- ICE agents are federal agents, and are not the same as local police. Their uniforms may say “Police,” “Federal Agent,” “ICE,” or “HSI.” They may also not be in uniform. They may carry guns. Sometimes local police officers go with ICE agents on ICE raids.

What does ICE do at workplaces?

- Immigration agents may come to your workplace for a Form I-9 audit; a raid; or to detain specific people.

How are audits and raids different?

- With an ICE raid, the employer has no warning. With audits, there is often a subpoena beforehand. An ICE audit is “friendlier” than a raid but can also lead to damaging results.

Know Your Rights during an ICE visit or raid

- You always have the right to remain silent and not answer questions.
 - Any information that you give to ICE may be used against you later.
 - You can say, “I want to remain silent” or “I don’t want to answer questions.”
- You always have the right to refuse searches of your person and belongings.
 - You do not have to show any IDs or papers to ICE. Everyone has this right.
 - You can say, “I do not consent to a search.”
- ICE cannot detain anyone or enter private spaces without a judicial warrant.
- You always have the right to record ICE agents and what they are doing, as long as you are not interfering.

WORKERS: How to be prepared for an ICE visit

Before a visit

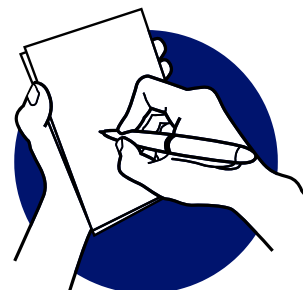
- Be prepared for if something bad happens.
 - Talk to an immigration lawyer, or take the time to find one.
 - Have a family safety and childcare plan.
 - Memorize important phone numbers.
 - Keep important documents safe.
 - Have money saved for emergencies.
 - If possible, attend a Know Your Rights workshop and share that information with colleagues.
- Know what your rights are depending where you're located in the workplace:
 - Public Space
 - Public areas are spaces where someone can typically enter without permission.
 - Examples: dining area in a restaurant; shopping area of a supermarket; parking lot; lobby or waiting area.
 - ICE agents can enter public areas of the workplace without permission.
 - ICE agents cannot stop, question, or arrest just anyone because it is a public area.
 - Private Areas
 - No one can enter a private area of the workplace without the employer's permission or a judicial warrant.
 - Immigration agents can demand entry to a private area only if they have a judicial warrant.
 - Make a plan with your coworkers and employer. Know where the public and private areas are in your workplace.
- Know Your Rights!
 - You have the right to remain silent and not answer any questions.
 - You do not have to show identification.
 - You have the right to refuse a search of your person and belongings.
 - You have the right to not be detained without a valid reason.
 - You have the right to record law enforcement officers.

During a visit

- Stay calm. Do not run or hide from agents. That may give them a reason to arrest you.
- Direct all agents and questions to your supervisor or employer.
- Do not speak with any agents. Anything you say can be used against you or your colleagues.
 - You do not have to answer questions about your immigration status, where you are from, or how long you have been here.
 - You do not have to answer questions about other employees.
- If ICE agents try to enter a private area, you can say: "This is a private area. You cannot enter without a judicial warrant signed by a judge," and direct them to your supervisor or employer.
- Watch what the agents do and if you feel comfortable, record video of their actions.

After a visit

- Write down all details from the interaction including
 - Information on the agents such as names and identification numbers,
 - How they presented themselves:
 - How they acted and spoke.
 - What they wore, such as uniforms and weapons.
 - How they treated all employees.
- Report the raid to a trusted community organization or union, if applicable.



EMPLOYERS: How be prepared for an ICE visit

ICE Raids

- ICE agents may go to a workplace without warning as part of an investigation into an employer.
- ICE agents may come to your business to try to find a particular person (or people). While they are there, they may try to question, detain, and even arrest other people.
- ICE agents may try to stop, question, or even arrest a worker without the proper authority.

I-9 Audits

- A Form I-9 is required for all new employees.
- A Form I-9 audit is when ICE comes to your business to check if you followed the rules for Form I-9.
- Form I-9 confirms a worker's identity and authorization to work in the U.S.
- If it doesn't go well:
 - If ICE decides a business did not follow the Form I-9 rules, they may face:
 - An order to stop hiring people without valid work permits.
 - Civil and criminal fines and penalties.
- ICE may detain a specific worker because of their I-9 form status.

- Train your staff to not talk to ICE agents
 - Train all workers to not allow ICE agents to enter your workplace.
 - A worker can say, "I can't give you permission to enter. You must speak with my employer."
 - Train all workers to not interact with ICE agents. If ICE agents have questions or requests, workers should say nothing, or say, "You are not allowed to enter. Talk to my employer."
- Know Your Rights!
 - Employers have rights when ICE goes to a business. ICE agents do not always have a right to enter your business, stop or arrest your workers, or take documents.
 - Work with a community or legal group to arrange a "Know Your Rights" training for you and your staff and pay your staff for the time they spend in training.
 - Understand the difference between judicial and administrative warrants
 - A judicial warrant must be signed by a judge and say "U.S. District Court" or a State Court at the top.
 - A judicial warrant is signed by a state or federal judge.
 - A judicial warrant can give law enforcement permission to enter private spaces such as your home, or search your vehicle.
 - Without a judicial warrant, ICE agents need your permission to enter private areas of your business.
 - Examples: Arrest Warrant, Search Warrant
 - An administrative warrant is signed by a DHS officer, and not a judge.
 - It does not give ICE or CBP any authority to demand entry to the private areas of a workplace or home.
 - Examples: Warrant for Arrest of Alien, Warrant of Removal/Deportation

Before a visit

- Make a written response plan ahead of time
 - Talk to other businesses or business associations. Ask what they are doing to prepare.
 - Make a plan that works for you.
 - Practice – just like a fire drill. You will be more prepared if you know what to say and do.
 - Connect with immigration response networks in your area. They provide support with family, legal, financial, and media concerns if immigration agents come to your business.

EMPLOYERS: How be prepared for an ICE visit

During a visit

- Stay calm! Ask your workers to stay calm, too. Do not run to the exits. This will make things worse because ICE agents can say that people who are running are likely violating immigration laws.
- If ICE agents try to enter a private area, you should say: “This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?”
 - TIP: To show that some areas are private, mark them with a “Private” sign, keep the doors closed or locked, and have a policy that visitors and the public cannot enter those areas without permission.
- When ICE shows you an administrative warrant with an employee’s name on it:
 - You do not have to say if that employee is working on that day or not.
 - You do not have to take the ICE agents to the employee named on the warrant (even if he or she is at work at the time).
- Do not help ICE agents sort people by their immigration status or the country they are from.
- Watch the agents and see if they are complying with what’s written in the warrant.
- If you or an employee is willing, you should record video of what the ICE agents do at your workplace. You may be able to prove the agents violated your rights or your workers’ rights.



After a visit

- Write or record these things after ICE leaves:
 - How many ICE agents were present (inside and outside)?
 - How were the agents dressed? How were they armed?
 - Did the agents make you or your workers believe you could not move or leave?
- Did the agents mistreat anyone? If yes, how?
- Notify the employees’ union, if applicable.
- If ICE arrests any of your workers, ask the ICE agents where they are being taken. This information will help the worker’s family and lawyer find the person.
- Report the raid.
- If someone is detained, check the ICE Online Detainee Locator System locator.ice.gov.

Resources

- Find the full list of our multilingual Know Your Rights resources at this link: nyic.org/kyr
- For more information on immigrant rights and how to protect your communities, visit the Immigrant Defense Project at this link: immigrantdefenseproject.org
- For more information on legal resources for immigrant communities, visit the National Immigration Law Center at this link: nilc.org/resources/
- If you need help with your case or have general immigration questions, call the Office for New Americans hotline at 1-800-566-7636 or visit their website at this link: dos.ny.gov/office-new-americans

