

# KNOW YOUR RIGHTS: ICE IN THE WORKPLACE

## WHAT SHOULD EMPLOYERS DO TO PREPARE?

- Employers should ensure that all employees have **properly completed I-9s** on file.
- Consider using **E-Verify**. This won't eliminate the possibility of ICE raids, but it will reduce your chances.
- **Train staff** on how to deal with ICE and other law enforcement officers.
  - **Designate** a knowledgeable **representative** as the point of contact with law enforcement.
  - Advise all staff on their **right to remain silent**. They do not need to answer questions from law enforcement officers.
  - Tell staff **not** to allow agents in any **non-public spaces without a warrant**. If ICE agents have questions or requests, workers should say nothing, or say, "You are not allowed to enter. Talk to my employer."
- Create and clearly mark private spaces in the workplace. ICE agents can enter any part of your business that is open to the public without a warrant, but they need a warrant to access employee-only or private spaces.

## IN PUBLIC AREAS

- Anyone can enter public areas of your business **without permission**. Public areas include a dining area in a restaurant; parking lot; lobby or waiting area. Being in a public area does **NOT** give ICE the authority to stop, question, or arrest just anyone.

## IN PRIVATE AREAS

- Without a judicial warrant, ICE agents need **YOUR permission** to enter private areas.
- 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?**"
- A judicial warrant will: *specify the specific address to be searched; specify the time period in which the search must take place; particularly describe the place or person, or both, to be searched and things to be seized; be issued by a court and signed by a District Court Judge or Magistrate Judge.*
- If they present a warrant, have the designated representative review to ensure it's signed by a federal judge or magistrate.
- ICE sometimes uses administrative warrants, issued by DHS/ICE on Forms I-200 or I-205. These warrants are **not legally valid search warrants**, but they do allow the agent to arrest the person named in the warrant.
- If the warrant is valid, designate an employee to accompany them on their search.
- Do not hide other employees, destroy documents, or provide false information.

## DOCUMENT EVERYTHING

- This includes names and badge numbers of the agents, how many agents there were, whether local law enforcement accompanied them, and how the agents were dressed. Also note whether the agents made you or your employees believe they could not move or leave.
- Should agents arrest any of your employees, **ask** them where the employee is being **taken**.
  - Notify families and provide **bond assistance resources**.
- **Record** and monitor agents' activities but do not interfere or obstruct.
- ICE agents may seize certain documents described in the warrant. Keep track of everything that was seized. Make sure you have **copies** of each document.
- Maintain a **list** of employees who were there at the time of the raid.