

WHAT TO DO IF IMMIGRATION COMES TO YOUR WORK SITE

Immigration agents may come to one or more of an employer's worksites for a Form I-9 audit; a raid; or to detain specific individuals.

What is an ICE Raid?

During an ICE raid, ICE agents show up at a worksite without warning as part of an investigation into an employer's immigration practices.

What To Do When ICE Arrives:

Public Areas

- Anyone – including ICE agents can enter public areas of an employer's business without permission.
- Public areas include a parking lot, lobby or waiting area, or dining area.
- Being in a public area does **NOT** give ICE the authority to stop, question, or arrest just anyone.
- No one – including ICE agents – can enter a private area of an employer's business without an employer's permission or a judicial warrant.

Private Areas

- Ensure that non-public areas are either marked as such or that the doors are closed or locked.
- Ensure that visitors and the public cannot enter private areas without permission.
- ICE agents can enter a private area **ONLY** if they have a judicial warrant.
- A judicial warrant must be signed by a judge and say "U.S. District Court" or a State Court at the top.
- Without a judicial warrant, immigration agents need the Company's permission to enter a private area of an employer's business.
- If ICE agents try to enter a private area, state: "This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a warrant?"
- If ICE agents tell you they have a warrant, ask for a copy, and read it.
- Note – an administrative warrant does **NOT** allow ICE agents to enter private areas without the Company's permission. Administrative warrant will say "Department of Homeland Security" and are **NOT** from a court.

During the Raid

- **Stay Calm** and ask other workers to stay calm too.
- Do not run to the exits – this will make things worse.
- When agents show 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 agents to the employee named on the warrant (even if he or she is at work at the time).
- Do **NOT** help the agents sort people by their immigration status or the country they are from.
- Watch the ICE agents and see if they are complying with what is written in the warrant.
- If you or another employee is willing, you should video or record what the ICE agents do at your workplace.
- Do **NOT** allow media or news reporters access to Company property.

What if Agents Try to Stop, Question, Detain, or Arrest a Worker?

- ICE agents may try to stop, question, or even arrest a worker without the proper authority.
- The best way for workers to protect their rights is to stay silent and ask for an attorney.
- Workers do **NOT** have to hand over any ID's or papers to ICE.
- Any information that workers give to ICE can be used against them.

Immediately After the Raid

- Write or record the following after the agents leave:
 - 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 other workers believe you could not move or leave?
 - Did the agents mistreat anyone? If yes, how?
 - If ICE agents arrest any of an employer's workers, ask where they are being taken.

What is a Form I-9 Audit?

- A Form I-9 Audit is designed to verify employment eligibility and ensure we are following legal hiring practices. Form I-9 confirms a worker's identity and authorization to work in the United States.
- Form I-9 is required for all new employees. Employers should keep I-9 forms on file for three years after hiring or one year after the worker's last day of work, whichever is later.
- ICE will provide a Notice of Inspection ("NOI") and will want I-9 documentation within three business days.

What to do in an I-9 Audit

- Direct the inquiring ICE agent to the Company's:
 - Immigration/employment attorney;
 - Designated representative; or
 - Another employee with key knowledge of how to handle an ICE inspection notice.

- Determine whether three days is sufficient time to produce I-9 forms.
- Compile all I-9 Forms and any other documents requested by ICE. In addition to I-9 Forms, ICE inspection notices typically ask for:
 - A list of all current employees with dates of hire, produced from the employer's systems.
 - A list of all terminated employees covering the inspection period specified on the notice, including hire and termination dates.
 - Copies of quarterly wage and hour reports or payroll data for current and terminated employees covering the inspection period.
 - Quarterly unemployment insurance and state tax statements covering the inspection period.
 - Copies of all social security no-match letters received during the inspection period.
- Do not answer questions or sign ICE documents before speaking to the Company attorney.
- Employees may have coworkers or representatives present when discussing I-9 audits.
- After reviewing the I-9 Forms, ICE may find some employees are not authorized to work. If that happens, ICE will give the Company 10 days to provide a valid work authorization for these employees. If the employer cannot provide the documents by that time, ICE will tell the employer to end the employee's employment.
- At that point, the Company can ask for more time to allow the affected worker to talk to an immigration lawyer.