

What to Do if Immigration Comes to Your Workplace: Employers Rights in the Workplace

ICE agents may show up for any of these 3 reasons: 1) perform a [Form I-9 audit](#), 2) detain a [specific individual/s](#), or 3) to [conduct a raid](#). As an employer you have rights under all three ICE Actions. Know how to prepare for these actions.

Prepare for Form I-9 audits

- When ICE notifies you as an employer that there will be a Form I-9 audit, contact an immigration lawyer for advice.
- The law gives you 3 work days to produce your I-9 Forms. You do not need to provide any documents early.
- You have the right to speak to a lawyer before answering questions or signing ICE documents.
- After reviewing the I-9 forms, if ICE finds that some employees are not authorized to work, ICE will give you 10 days to provide valid work authorization for these employees. If you can't provide the documents by that time, you will be told to end their employment.
- If this happens, you must notify the affected workers of the audit.
- Ask ICE for more time. This will give affected workers more time to talk to an immigration lawyer.

Note: Employer I-9 Requirements

- Form I-9 is required for all **NEW** employees.
- You must keep I-9 forms for 3 years from the date of hire and 1 year after the worker's last day of work, whichever is later.
- Do not ask workers to fill out Form I-9 more than once unless they have a new work permit or you have another valid, legal reason.
- Note: You do NOT have to keep copies of a worker's ID or work authorization documents. Just keep the I-9.
- Best practice: Store I-9 forms separate from your other employment records to limit the private information being revealed in an audit.

ICE Warrant for Specific Workers

IF ICE shows you an [administrative warrant](#) (**not signed by a judge**) with an employee's name on it:

- You do NOT have to say if that employee is working on that day or not or answer questions or give information about the employee.
- You do NOT have to take the ICE agents to the employee named on the warrant. Instead, say, "Our lawyer has advised us to cooperate only with [judicial warrants](#)."

- For samples of what administrative warrants (that do not legally compel you to cooperate) and judicial warrants look like, see www.yakimaresponsenetwork.org

In the event the employer isn't on-site, designate two staff to be the primary contact persons in the event of an ICE raid and make sure employees know how to reach them.

10 Things to Know in Preparing for an ICE Workplace Raid

1. **What is a raid?** When ICE agents go to a work site without warning as part of an investigation. ICE agents are NOT police officers. But their uniforms may say "Police" or "Federal Agent." ICE may come to your business with the name of a specific employee. While they are there, they may try to question, detain or even arrest other persons.
2. **Make a Written Response Plan Now:** Talk with other businesses. Make a plan that works for you. Practice what you will do and say - just like a fire drill. *Resource:* nwirp.org/resources/know-your-rights/
3. **Connect with local immigration response networks.** They provide support for families in case of a raid. They also provide "know your rights" trainings. In Yakima County, contact YakimaResponseNetwork@gmail.com.
4. **Provide Know Your Rights training for all your staff.**
5. **Train workers to NOT allow ICE agents to enter private areas of your workplace.**
 - A worker can say, "I can't give you permission to enter. You must speak with my employer."
6. **Post signs to designate PRIVATE areas of your workplace.**
7. **Train Your Staff to NOT divulge unnecessary information to 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."
8. **Know Your Rights!**
 - Anyone –including ICE agents - can enter **public areas** of your business without permission.
 - ICE agents can enter a private area of your business *ONLY* if they have a **judicial warrant** (a warrant signed by a judge that says, "U.S. District Court" or "State Court" at the top), or if you give them YOUR permission to enter. You do not have to give them permission to enter private areas.
 - You can say, "This is a private area. You cannot enter without a judicial warrant. Do you have a judicial warrant?" Ask for a copy of any warrant. Read it and, if possible, photograph or make a photocopy of any paperwork presented.
 - ICE agents may have only an **administrative warrant**, which is not authorized by a court. (It will say, "Department of Homeland Security" and be on Form I-200 or I-205.) Administrative warrants do NOT authorize ICE to enter private areas without your permission.
9. **What to Do During the Raid:**
 - Stay calm!

- Tell your staff to NOT run to the exits. This will make things worse.
- Do NOT answer questions or give any information.
- Watch the agents' actions. You can video them.
- If they show a judicial warrant, see that they are complying with the warrant. (e.g., they stay in areas listed in the warrant and question only the person named on the warrant)
- You do NOT have to help ICE agents sort people by their immigration status or the country they are from.

10. What if ICE agents try to stop, question, or even arrest a worker without the judicial warrant?

- Advise your worker to stay silent and ask for an attorney.
- All workers have the right to NOT hand over any IDs or documents to ICE.
- 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.

ICE agents will sometimes pretend they are local police officers or say they are looking for a specific person, then try to question all workers.

For more information, contact the Yakima Immigrant Response Network
YakimaResponseNetwork@gmail.com | www.yakimaresponsenetwork.org
facebook.com/YakimaImmigrantResponseNetwork
(503) 548-7755 (message line)

This is general information. It is not legal advice. Talk to a lawyer for individual advice.
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