

# Preparation for Possible ICE Raids

## TIPS FOR CORPORATE STAFF

**Preparation is critical.** Even if an employer correctly verifies work authorization of all employees, ICE could investigate the workplace. Employers should develop standard operating procedures. Provide training in proper procedures for I-9 verification and document review, and I-9 recordkeeping. Document good-faith efforts to comply with I-9 and immigration sponsorship rules, including keeping records of audits, training, and corrective actions. Designate an Immigration Compliance Officer. Train personnel who interface with the public including reception staff, HR managers, and compliance officers. Ensure proper classification of and immigration compliance related to contractors. Organize records to be able to provide documentation quickly.

**Raid process.** ICE officers are free to enter any public areas of the workplace but must have a valid search warrant or the employer's consent to enter non-public areas. A valid warrant must be signed and dated by a judge. It will include a time frame within which the search must be conducted, a description of the premises to be searched, and a list of items to be searched for and seized. An ICE officer will serve the search warrant on a receptionist or company representative and alert other agents to enter. Call your immigration attorney immediately. The company can accept the warrant but not consent to the search. If the company does not consent to the search, the search will proceed but the company can later challenge it if there are grounds to do so. ICE may demand that equipment be shut down and that no one leaves the premises without permission. ICE may move employees into a confined area for questioning.

**Employee Rights.** Employees have the right to remain silent and the right to an attorney. The employer may ask if employees are free to leave. The employer may inform employees that they may choose whether to talk with ICE. The employer should not direct them to refuse to speak to agents. Employees do not need to answer questions about their immigration status, country of birth, or how they entered the United States. If ICE tries to determine employees' immigration status by asking them to stand in groups according to status, they do not have to move or can move to an area that is not designated for a particular group. Employees may refuse to show identity documents that disclose their country of nationality or citizenship. If employees are detained/taken into custody, ensure their families are contacted and any money owed to the employees is paid.

**Vendors.** For contract employees employed by a different company, the employer should direct immigration questions to the staffing company.

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