

EMPLOYERS: KNOW YOUR RIGHTS

WHAT TO DO IF IMMIGRATION COMES TO YOUR WORKPLACE

WHAT EMPLOYERS CAN DO IF IMMIGRATION COMES TO A WORKPLACE

Immigration agents may come to your workplace for:

- A Form I-9 audit;
- A raid; or
- To detain specific people.

What is a Form I-9 Audit?

- 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

Employer I-9 Requirements

- Form I-9 is required for all new employees.
- You must keep I-9 forms on file for 3 years after hiring or 1 year after the worker's last day of work, whichever is later.
- Do not ask a worker to fill out Form I-9 more than once unless their work permit is about to expire or you have another valid, legal reason.
- Note: You do not have to keep copies of a worker's ID or work authorization documents.

WORKPLACE ICE RAIDS

What is an ICE Raid?

- ICE agents go to a worksite without warning as part of an investigation into an employer.
- ICE agents are not police officers. But their uniforms may say “Police” or “Federal Agent.” They may carry guns. Sometimes local police officers go with ICE agents on ICE raids.
- 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.

EMPLOYER PREPARATION FOR ICE ACTIONS

Make a Written Response Plan Ahead of Time

- Engage competent immigration counsel to call immediately if ICE appears.
- Select a point of contact who will be the only person to interact with ICE.
- Designate one specific location only where ICE will be permitted, like main office.
- 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.
- Train all workers to NOT allow ICE agents to enter your workplace and NOT interact with ICE agents.
- Understand the difference between a judicial warrant and an administrative warrant.



KING ENGLISH, LLC
Immigration & Nationality Law

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 126 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations.

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- historic confirmation of the subject's identity and a records check of Federal databases that affirmatively indicate, by themselves or in conjunction with other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to appear and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Date of Arrest) at _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

(Name and Signature of Officer)

(Name or Number of Interpreter (if applicable))

Form I-207 (Rev. 09/04)

AD-4C (Rev. 1/11) Arrest Warrant

UNITED STATES DISTRICT COURT

In Re:

United States of America v. Case No. _____
vs. _____
Defendant

ARREST WARRANT

To: Any national law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay, _____ (Name of person to be arrested) who is accused of an offense or violation based on the following complaint filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
Production Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is hereby described as follows:

Date: _____ (to mag. officer's opinion)

City and state: _____ (to mag. officer's opinion)

Return

This warrant was executed at _____ and the person was arrested at _____ (to mag. officer's opinion)

Date: _____ (to mag. officer's opinion)

(Printed name and title)

WHAT EMPLOYERS SHOULD DO WHEN ICE ARRIVES

For Public Areas

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

For Private Areas

- Immigration 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, ICE agents need YOUR permission to enter private areas of your business.
- 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.”
- If ICE agents tell you that they have a judicial warrant, ask for a copy and read it.

DURING AN ICE RAID

1. Stay calm! Employees should not run to the exits.
2. 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
3. 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).
4. Do NOT help ICE agents sort people by their immigration status or the country they are from.
5. Watch the agents and see if they are complying with what's written in the warrant.
6. If you or an employee is willing, you should video or record what the ICE agents do at your workplace.
7. Employees should stay silent and ask for an attorney.
8. Employees should not hand over any IDs or documents to ICE.