

# When ICE Knocks

## Immigration

The second Trump Administration has promised an increase in worksite enforcement actions, more commonly known as raids. Even if an employer verifies the work authorization of all employees, Immigration and Customs Enforcement (ICE) may investigate a workplace based on complaints, leads or other factors. Being prepared, with a plan in place, can make all the difference in minimizing liability to the company and concerns for all employees.

### What to Do in the Event of an ICE Enforcement Action

The following overview is meant to provide employers with basic considerations in advance of and during an enforcement action.

1. **Ask for the ICE officers to identify themselves.** Make a copy of the officers' business cards.
2. **Contact counsel.** When ICE officers arrive at the worksite, immediately reach out to counsel. The company representative should let the enforcement officer know that they are calling counsel. Counsel may be able to come to the worksite promptly if they are closer by or speak to the enforcement officers over the phone if they are not.
3. **Determine if a warrant exists.** Immigration officers can enter any area(s) of the workplace that members of the public can access without identification and/or security check but must have a valid search warrant or an authorized representative's consent to enter non-public spaces.
  - a. If a warrant exists, make sure it is signed and dated by a judge. The warrant will include a description of the premises to be searched, a list of items to be searched for and seized, and a timeframe when the search must be conducted. The warrant should be reviewed and examined to confirm the scope and that the officers are within the prescribed timeframe.
4. **Assign staff to accompany the officers as they go around the facility.** Assigned staff should not block or interfere with the ICE officers as they go about their activities. They should remain calm and composed and not engage in any hostilities toward the agents.
  - a. Assigned staff should take notes on all the ICE officers' actions, particularly any items seized, and ask if copies can be made before they are taken.
  - b. If agents want access to locked facilities, unlock them — otherwise, agents will forcibly enter locked closets or cabinets.
  - c. Object to searches outside the scope of the warrant, but do not engage in an argument. Simply state the objection to the agent and make a note of it.
  - d. Ask for a copy of the list of items seized — agents are required to provide an inventory.

5. **Remember, employees have a right to talk or not to talk to ICE officers.** Staff and employees are not required to give any statements to ICE officers.
6. **Do not engage in any activities that could support a potential harboring or obstruction charge.** This includes hiding employees, aiding in their escape from the premises, providing false or misleading information, denying the presence of specific named employees, or shredding documents.
7. **Do a full debriefing of staff after the raid.** Determine whether and where any employees were arrested (e.g., during the enforcement action itself, at home, etc.); the nature of any contacts or conversations between ICE and the arrested employee(s) before, during or after the raid; and the detained employee's history with the company, especially specifics around hiring practices, personnel and I-9 documentation.
8. **Contact the families of any detained employee(s).**

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### Talk to an attorney

Please contact our Immigration Group Co-Leaders with any questions about ICE activities and related workforce issues.

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