What to do if ICE Comes to Your Work Place

If ICE agents appear at your place of work the first thing you must do is determine whether or not they have a valid search or arrest warrant signed by a judge (hereafter “judicial warrant”).

NO Judicial Warrant
Without a valid judicial warrant ICE MAY NOT enter non-public or private areas of your business. An administrative warrant issued by ICE or Department of Homeland Security is not a judicial warrant. ICE MAY ask permission to access non-public or private areas, but there is no requirement that you or anyone grant them this permission. Permission to access the non-public or private areas of your business can also be verbally withdrawn at any time, if permission is initially given or presumed, and you wish to retract permission. (i.e. “I withdraw my consent to search/I did not consent to search”)

● Employees should know that they can deny agents who do not have a judicial warrant permission to enter these areas.

Without a valid judicial warrant ICE MAY enter parts of the business/property that are open to the public. While in these public areas ICE agents MAY also question employees.

● However you should instruct your employees that they have the right to remain silent and they do not have to answer any questions they are asked. Generally, the less they say without an attorney present, the better.

THEY HAVE a Valid Judicial Warrant (Search or Arrest)
Search warrant: The first thing you should do is examine the search warrant and notice:
1) Does it have a specific person’s name on it?
2) Is it signed by a judge?
3) Is it being served within the time frame allowed by the written warrant?
4) What is the scope of the warrant? (area to be searched and the items to be seized,) Limit the search to the specified area.
5) Does it have your specific address?

Employees not named in the valid judicial warrant may leave the specified area.

Arrest warrant: Same 1-3 as above, 4-5 not required.

If these elements are missing, it is not a valid judicial warrant.

● After examining the warrant, immediately contact your attorney to see if they can come to the facility while the raid is taking place.
● You should also ask for a copy of the judicial warrant, obtain the name of the supervising agent, and the name of the U.S. Attorney assigned to the case.
● You should again inform your employees that they have the right to remain silent and do not have to answer questions they are asked. (They also have the right not to move if asked to stand in groups according to their immigration status.)
● Employees also have the right to calmly leave the premises, but should know that fleeing in a conspicuous manner could provide the police with probable cause to detain them.
● You also have a right to oversee the search and may assign representatives to film and/or record on a notepad all actions the officers take.
• Blocking ICE activity may result in criminal charges

If Employees are Detained
Make sure that they know that they have the right to a lawyer. They should also know that they do not have to make any statements or sign any documents until they’ve had the opportunity to meet with that lawyer.
Have a U.S. citizen record all interactions between law enforcement and employees or customers that could lead to detention.