

ICE* ENCOUNTER CHEAT SHEET FOR EMPLOYERS

1. Employees should move to a designated private area, behind an *Employees Only* or *Private* sign

- Designate someone to stay and ask for a judicial warrant, preferably a manager or trained lead
- Communicate through a closed, locked door, if possible
- You are not obligated to talk to or assist the agents in any way

2. Ask for a judicial warrant

- Ask: *"Do you have a warrant signed by a judge?"*
- Verify what they present by comparing to the examples on page 2 of this packet
- **If it is not a judicial warrant**, you may ask them to leave
- **If it is a judicial warrant**, you still do not have to answer any questions
- **If they are notifying you of an I-9 audit**, you have 3 work days to produce paperwork. They do not have the right to be on your premises, and you may ask them to leave.

3. Video and document the entire experience

- You're allowed to film, as long as you don't interfere with the agents performing their duties
- Have as many employees and customers filming as possible
- Take a picture of the warrant and any paperwork they show you

Tips for filming ICE.
Available in English & Spanish



4. Report ICE encounters in and around your workplace

Reporting is dependent on location. Statewide (WAISN): 844-724-3737. East King County: 425-361-0808 or eastkingrapidresponse@gmail.com. SW WA (LULAC): 503-388-5356.

5. Know Your Rights

- You have the right to remain silent
- You have the right to take photos and videos
- You have a right to speak to a lawyer
- You have the right to refuse to sign anything. Say clearly:
"I refuse to sign anything until I speak to a lawyer"

Link to guide for employers, *What to Do if ICE Comes to Your Workplace*.
Available in English, Spanish,
Chinese, Korean & Thai



* **Note:** ICE is used in this packet as shorthand for various immigration enforcement agencies



Washington Neighborhood Defense helps prepare and educate businesses to protect themselves and their employees for possible interactions with ICE. WAND volunteers have connected with thousands of businesses statewide, building relationships and strengthening our communities along the way.

For links to additional resources and training opportunities, visit NeighborhoodDefense.org

This packet was compiled using information from the National Immigration Law Center and Washington Immigrant Solidarity Network.

It is for educational purposes only and does not constitute legal advice. Learn more at tinyurl.com/Employers-ICE-Guide

Know Your Rights as a Business p. 1

SAMPLE JUDICIAL WARRANT

AO 93 (Rev. 11/13) Search and Seizure Warrant

1 UNITED STATES DISTRICT COURT
for the District of _____

2 In the Matter of the Search of _____
(Briefly describe the property to be searched or identify the person by name and address)

Case No. _____

3 SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer.
An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of _____
(Identify the person or describe the property to be searched and give its location).

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized).

4 YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____ (United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box):
☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

5 Date and time issued: _____
City and state: _____

Judge's signature _____
Printed name and title _____

This is a sample Judicial Search Warrant.

Without this document, ICE agents cannot lawfully enter your business or home or search your body, car, or private property.

To make sure the warrant is valid, check that the document:

1. Is from a Court
2. Has the name of your business and correct address
3. Has the individual's entire name listed correctly
4. Is not expired
5. Signed by a judge or judicial magistrate

SAMPLE ADMINISTRATIVE WARRANT

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

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

To: Any Immigration Reg. _____ File No: _____
Date: _____

I have determined that the alien is removable.

To any Immigration officer of the United States Department of Homeland Security:

(Full name of alien) _____
who entered the United States at _____ (Place of entry) on _____ (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

☐ an Immigration Judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

YOU ARE IMMEDIATELY REMOVED FROM THE UNITED STATES.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States, and by her or his direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

I hereby certify _____
on _____
notice were read _____
Name _____

(Signature of Immigration officer)
(Title of Immigration officer)
(Date and office location)

ICE Form I-205 (8/07) Page 1 of 2

These are examples of an Administrative Warrant, also known as a Warrant of Removal/Deportation.

This is not a judicial warrant and does not allow ICE to lawfully search your business, house, car, body, or private property.

With this warrant, ICE can still arrest you in public places like parking lots, sidewalks, or outside your home.

HOW TO PREPARE FOR ICE AS AN EMPLOYER

ICE raids are on the rise across the country

- ICE agents may come to your workplace for a Form I-9 audit, a raid, or to detain specific people
- ICE agents may come to your business to try to find a particular person (or people)
- They may try to question, detain, and even arrest other people

To prepare for any visit from ICE agents, we encourage you to train your employees on their civil and constitutional rights and the basics of interacting with agents. ICE agents are likely to attempt to enter aggressively, even if you object or ask them to leave, which is why having a written response plan and training staff is critical.

TIPS

- **Train your staff not to talk to ICE agents** and to:
 - **Not** allow agents to enter your workplace. A worker can say, *"I can't give you permission to enter. You must speak with my employer."*
 - **Not** run away. Running away could give ICE a legal reason to arrest workers
 - **Not** answer questions or give any information
 - **Move** to designated private spaces
- **Develop and train staff** on plans for engaging with ICE agents, including but not limited to:
 - What to do before, during, and after a raid
 - How to identify **judicial** vs **administrative** warrants (*examples on page 2*)
 - How to record and document ICE activity tinyurl.com/recordingICE → → →
- **Designate private areas of your business** that are closed to the public and clearly mark them with *Private* or *Employees Only* signs
- **Print Know Your Rights (KYR) information and display** in common areas
 - WAISN has flyers in 15+ languages: waisn.org/resource/kyrice → → → →
- **Host a KYR workshop or share KYR videos** to train you and your staff
- **Connect with nearby businesses and community members to build an alert system and support network** on an encrypted messaging app (like Signal)
- **Find immigration resources and training opportunities at** NeighborhoodDefense.org



WHEN ICE IS AT YOUR BUSINESS

As a business owner, you have a Fifth Amendment right to control who can enter your business. If ICE comes, you may legally turn them away unless they have a **valid judicial warrant**.

ICE RAIDS

If agents are in the neighborhood and have not yet entered your business:

- **Lock the door of your business and put the closed sign up.**
- **Notify other businesses and your community of the ICE activity.**
- **If ICE comes to your door,** ask if they have a judicial warrant through a closed, locked door.
- **If they have a judicial warrant, ask for a copy and read it.** Make a copy or photograph it if you can. Even if it's a valid judicial warrant, you can still decline to give consent for the search.
- **If they do not have a judicial warrant,** you do not have to let them in the door. You may lock your door and close your business to them.

If agents have already entered your business:

- **Tell employees and non-employees,** *"If you'd like to move to private space and lock the door, you are free to do so. You do not need to answer questions and have a right to a lawyer."*
- **Say:** *"I am the employer. You cannot go to other areas of the workplace without my permission."*
- **Ask:** *"Do you have a judicial warrant?"* If they do not, you can ask them to leave. You may say, *"You are disrupting my business, and I am asking you to leave."* If they do not leave you may warn them that they are trespassing and call 911.
- **Encourage staff to video or take photos during the event** if they are willing.
- **Watch the agents carefully.** Keep track of what they do. See if they are following what is written on the warrant. For example, the warrant may limit the areas the agents can search.
- **After the agents leave, record or write down everything you saw.** This will help you remember the details when you talk to a lawyer later.
- **Report ICE activity or I-9 audits.** Reporting is dependent on location: Statewide (WAISN): 844-724-3737. East King County: 425-361-0808. SW WA (LULAC): 503-388-5356.

I-9 AUDITS

An I-9 audit does **not** give ICE the right to be on your business premises or question any of your employees. Find detailed information about audits from NILC at tinyurl.com/Employers-ICE-Guide

- **You have the right to speak to a lawyer before answering questions or signing ICE documents.**
- **You have 3 business days to produce I-9 forms.** A lawyer can help you determine your obligations so that you do not unnecessarily endanger your employees.
- **You are not required to produce copies of employees' identity documents.**
- **Notify employees immediately.** Keep them updated on the status of the audit as it progresses. If your employees are unionized, reach out to their union.
- **You can arrange to turn the paperwork in to ICE at a neutral location** like a library, so agents do not have to return to your business.