

Know Your ICE Rights: Quick Guide for Employers and Employees



EMPLOYER TIPS

➤ **Request identification and warrant verification**

- ICE agents must provide identification upon request.
- Ask to see a warrant and verify its type:
 - Judicial Warrant (signed by a judge). Allows ICE to enter non-public areas, consistent with the terms of the warrant.
 - Administrative Warrant (issued by ICE or other government agency). Does not permit entry into private areas.
- You are not required to consent to a search beyond the scope of the warrant.

➤ **Limit ICE access to private areas**

- ICE cannot enter non-public areas without a judicial warrant or employer consent.
- Use signage such as "Authorized Personnel Only" to establish protected areas.
- If ICE presents a judicial warrant, review it carefully and provide access only within the scope of the warrant.

➤ **Contact legal counsel**

- Tell the ICE agent, "Company policy requires us to contact our attorney before proceeding."
- Notify your legal team before allowing ICE to take further action.
- Ensure that all interactions with ICE are documented.

➤ **Protect your employees' rights**

- Employees have the right to remain silent.
- Employers cannot require employees to answer questions from ICE or show documents relating to their nationality or immigration status.
- Employees are not required to segregate based on immigration status.



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➤ Document

- Record the names, badge numbers, and affiliations of all of the ICE agents at the facility.
- Note the reason for the visit, warrant details, and any searches conducted.
- Maintain a detailed incident log for legal review.

➤ No retaliation

- It is illegal to discipline or discharge employees for asserting their rights.
- Employees should not be penalized for refusing to speak to ICE agents.

EMPLOYEE RIGHTS

➤ You have the right to remain silent.

- You do not have to answer any questions about your immigration status, country of origin, or how you entered the United States.
- If ICE asks questions, you can say, “I choose to remain silent.”

➤ You have the right to refuse a search.

- ICE cannot search your belongings, person, or workplace locker without your consent or a valid warrant.
- If ICE attempts a search, you can say, “I do not consent to a search.”

➤ You are not required to show immigration documents.

- If you have valid immigration documents, you can choose to show them but are not required to do so.
- Do not show false or invalid documents.

➤ You do not have to sign anything.

- Do not sign any papers or documents without first speaking to an attorney.
- Signing documents may waive your rights or lead to deportation.

➤ You have the right to an attorney.

- You have the right to speak with a lawyer before answering any questions.
- You can say, “I want to talk to an attorney.”

➤ If detained, you can ask for a bond hearing.

- You have the right to request a bond hearing to seek release while your case is pending.
- Consult with your legal counsel before you sign anything waiving this right.

➤ Have a plan in case of detention.

- Keep emergency contact numbers for an immigration lawyer and family members.
- Inform a trusted person about your immigration status and legal documents.
- Prepare a plan for who will care for your children or other dependents if you are detained.





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EMPLOYER BEST PRACTICES

- **Provide “Know Your Rights” materials**
 - Share resources from trusted organizations like NILC, AILA, and AIC.
 - Offer multilingual materials to ensure accessibility.
- **Train employees on ICE procedures**
 - Hold regular training sessions on workplace rights.
 - Ensure employees know how to respond to an ICE visit professionally and legally.
- **Maintain compliance with I-9 and E-Verify**
 - Conduct regular self-audits of employment verification documents.
 - Correct discrepancies according to legal guidelines.
- **Establish a Workplace Response Plan**
 - Designate a point person for ICE interactions.
 - Train managers on how to handle enforcement visits.
 - Ensure all staff understand their rights and responsibilities.

PROHIBITED EMPLOYER ACTIONS

- ⊗ **Do NOT allow entry without proper legal authority.** ICE does not have the right to enter private areas without a judicial warrant.
- ⊗ **Do NOT require employees to answer questions.** Employees have the right to remain silent and decline to provide information.
- ⊗ **Do NOT retaliate against employees who assert their legal rights.** Employees cannot be disciplined for refusing to speak to ICE or for asserting their rights.
- ⊗ **Do NOT volunteer, speculate, or provide false information to ICE.** Employers and employees must always be truthful but should not speculate or volunteer information.
- ⊗ **Do NOT sign any ICE paperwork that has not been reviewed by your legal counsel.** Any paperwork presented by ICE should be reviewed by legal counsel before you sign.

For legal guidance and assistance, contact a member of
Constangy's Immigration Team.

This guide is for informational purposes only and does not constitute legal advice.

