

Employer Action Plan: ICE Raid Preparedness Checklist



PRE-RAID

➤ **Designate a response team:**

- Assign key personnel (HR, legal counsel, senior management) as the primary contacts for ICE interactions.
- Ensure designated personnel are trained on handling ICE visits.
- Establish a clear chain of command for decision making.

➤ **Train employees on their rights**

- Educate employees on their legal rights, including the right to remain silent.
- Provide "Know Your Rights" materials in multiple languages from trusted sources (NILC, AILA, AIC).
- Inform employees they are not required to provide documents or answer questions without legal representation.

➤ **Review and audit I-9 compliance**

- Conduct internal I-9 audits to ensure accuracy and completeness.
- Correct discrepancies following legal guidelines.
- Maintain compliance with E-Verify, and ensure proper documentation is readily available.

➤ **Mark private areas clearly**

- Post signage indicating restricted areas (for example, "Authorized Personnel Only").
- Train staff to understand the distinction between public and private areas.

➤ **Develop a legal strategy**

- Consult with immigration counsel to create a comprehensive response plan.
- Maintain up-to-date contact information for legal representation.
- Ensure management understands what ICE agents can and cannot do.



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IMMEDIATE RESPONSE TO AN ICE RAID

➤ **Verify ICE's credentials and warrant:**

- Request identification and record names, badge numbers, and agency affiliation of ICE agents.
- Ask for a copy of the warrant. Determine the type of warrant it is:
 - **Judicial warrant (signed by a federal judge):** This is required for ICE to enter non-public areas.
 - **Administrative warrant (issued by ICE or the Department of Homeland Security):** This does **not** permit entry into private areas.

Do **NOT** grant access beyond what the warrant allows.

➤ **Contact legal counsel immediately:**

- Inform ICE agents, "Company policy requires that we contact our attorney before proceeding."
- Notify senior management and immigration counsel before allowing ICE to take further action.
- If employees are detained, coordinate with legal counsel to provide assistance.

➤ **If no judicial warrant, limit ICE access to non-public areas:**

- Politely but firmly deny entry if ICE does not have a judicial warrant.
- If ICE presents a valid warrant, review its scope and ensure compliance within legal limits.
- Document any actions that exceed the scope of the warrant and inform legal counsel.

➤ **Do not interfere, but document everything:**

- Names, agencies, and badge numbers of ICE agents.
- The purpose of the visit and any documents presented.
- Any searches conducted and items seized (request an itemized list).
- Statements made by ICE and employer representatives.

➤ **Protect employees' rights:**

- Employees have the right to remain silent and are not required to answer questions about their immigration status.
- Employees are not obligated to provide identification documents that reveal nationality or citizenship.
- Employees cannot be forced to segregate by immigration status.





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AFTER THE ICE RAID

- **Consult legal counsel about next steps:**
 - Review the legality of ICE's actions and determine whether the agents exceeded their authority.
 - Assess potential legal challenges related to improper searches, detentions, or document seizures.
 - Develop an action plan to protect affected employees and mitigate future risk.
- **Support affected employees:**
 - Ensure detained employees receive legal assistance.
 - Coordinate with families and legal representatives as needed.
 - Ensure that any owed wages are paid to detained employees.
 - Provide remaining employees with reassurance, legal resources, and counseling if necessary.
- **Review and strengthen policies:**
 - Conduct a debriefing to evaluate the response to the raid.
 - Identify areas for improvement in compliance, training, and preparedness.
 - Update internal policies and conduct refresher training for employees and management.

PROHIBITED ACTIONS DURING AN ICE RAID

- ⊗ **Do NOT consent to search without a warrant.** As noted above, ICE cannot enter non-public areas without a warrant issued by a federal judge.
- ⊗ **Do NOT retaliate against employees.** No disciplinary action should be taken against employees for an ICE visit.
- ⊗ **Do NOT volunteer, speculate, or provide false information to ICE agents.**
- ⊗ **Do NOT hide employees or assist in their departure.** Employers are not required to help ICE agents locate employees, but they must comply with their legal obligations.
- ⊗ **Do NOT interfere with the actions of ICE agents.** Allow ICE to proceed within the scope of the warrant and document any overreach.

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

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

