

Employer Guidance: Responding to ICE Raids



Employers may face increased unannounced visits from U.S. Immigration and Customs Enforcement under recent executive orders and enhanced federal enforcement priorities. These visits can include workplace raids, compliance audits, and targeted enforcement operations. Proper preparation is essential to ensure compliance while protecting the rights of the company, employees, and management. This document provides guidance on employer rights, employer responsibilities, and best practices when responding to an ICE worksite raid.

Recent executive orders and increased ICE activity

Recent executive actions have intensified ICE enforcement efforts, particularly in industries that are more likely to be hiring undocumented workers. These enforcement efforts include the following:

- **Targeting specific individuals** with outstanding removal orders or prior criminal charges or convictions, or who are otherwise considered an enforcement priority.
- **Joint enforcement actions** with agencies such as the U.S. Department of Labor or state labor agencies that focus on industries where undocumented workers are common. The industries include hospitality, agriculture, construction, and food services.

Employers should prepare for multi-agency workplace inspections that involve not only ICE but also labor and wage-hour authorities.

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Preparation and prevention: What employers should do NOW

- **Establish worksite enforcement protocols:**
 - Designate a **primary point of contact** for ICE interactions (normally, Human Resources or legal counsel).
 - Train managers and staff on **how to respond to ICE visits professionally** while protecting the company and employee rights.
- **Ensure I-9 and compliance readiness:**
 - Conduct **internal audits of I-9 forms** to correct any discrepancies.
 - Display mandatory **E-Verify posters** where required.
- **Clearly mark private areas:** Use signage such as "**Authorized Personnel Only**" to establish legal protections under **the Fourth Amendment**.
- **Provide employees with "Know Your Rights" materials:** Some additional resources can be found on the websites of the National Immigration Law Center, the American Immigration Lawyers Association, and the American Immigration Council.
- **Engage Immigration counsel:** Employers should work with legal professionals to
 - Develop a **response plan** for potential ICE visits.
 - Ensure compliance with work authorization and labor laws.
 - Conduct employee **rights training** sessions.

Access rules

- **Public versus private areas**
 - **Public Areas:** ICE agents may enter public spaces (for example, lobbies and parking lots) without a warrant.
 - **Private Areas:** ICE agents may not enter private spaces without either a warrant signed by a federal judge, or explicit employer consent.
 - If ICE arrives, ask to see any warrant or subpoena before granting access.
- **Enhanced worksite surveillance**
 - ICE is increasingly using Notice of Inspection and I-9 audits as precursors to enforcement actions. Employers should review their Form I-9s and E-Verify compliance to reduce the risk of violations and to avoid triggering a raid.



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ICE is at the door. What should you do?

Step 1. Confirm that they have the right to be there.

- Request and record the names, badge numbers, and agency affiliations of all ICE agents.
- Ask to see a copy of the warrant and confirm whether it is
 - **A judicial warrant** (signed by a judge): **Required for ICE to enter non-public areas**, OR
 - **An administrative warrant** (issued by ICE or the Department of Homeland Security): **An administrative warrant does NOT authorize entry to private areas.**

DO NOT CONSENT to searches or grant access beyond what is legally required.

Step 2. Contact Legal Counsel.

The designated company representative should tell the ICE agents: “Our company policy is to contact our attorney before proceeding.” The representative should then notify senior management and legal counsel before allowing ICE to take further action.

If employees are detained, the company representative should ensure that legal representation is available to them and that their families are informed.

Step 3. Limit access to non-public areas.

- As noted above, ICE agents cannot enter private areas without a judicial warrant.
- If a valid judicial warrant is presented,
 - Review it closely, and then send a copy to your attorney.
 - Ensure ICE does not exceed the scope of the warrant—if they do, document the overreach and politely object.



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Employee rights and employer protections

- Employees **have the right to remain silent** and **do not** have to answer questions about their immigration status.
- **Employees are not required to show identity documents** that disclose nationality or citizenship.
- **If asked to stand in groups by immigration status**, employees are **not required to comply** and can move to a neutral area.
- Employers may not instruct employees **not to speak to ICE**. However, they may inform employees of their rights.
- Employers may elect to provide **“Know Your Rights” materials** in multiple languages from trusted sources.

Post-Raid Follow-Up

Step 1. Document everything.

Create a **detailed record** of the visit, including the following:

- The **names of ICE agents** and their supervising officers.
- The **reason for the visit** and any documents presented.
- Any **searches conducted** and **items seized** (ask for a list of seized items and ensure you have copies of documents that were provided to the ICE agents).
- Any statements made by ICE while communicating with the employer representatives.

Step 2. Follow up with legal counsel.

After ICE leaves, consult with your legal counsel about the following:

- The **legality of ICE’s actions** (for example, whether the ICE agents exceeded the scope of the warrant).
- Whether to assert a **legal challenge** to the search, detention of employees, or seizure of documents.
- Next steps to protect the company and possible affected employees.






Step 3. Follow up with employees.

- If employees are detained, coordinate with legal counsel to determine next steps.
- Ensure that any and all owed wages are paid to detained employees.
- Consider communications with remaining employees to address concerns and provide legal resources.



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Prohibited Actions During an ICE Visit

-  **Do not consent to a search of non-public areas without a warrant.** If ICE does not have a judicial warrant, they cannot search non-public areas.
-  **Do not retaliate against employees.** Do not take disciplinary action based on an ICE visit.
-  **Do not provide false information.** Be truthful but do not speculate and do not volunteer information.
-  **Do not hide employees or assist in their departure.** Employers must comply with legal obligations but are **not required to help ICE locate or detain employees.**
-  **Do not interfere with the search.** Allow ICE to proceed **only within the limits of the warrant** and document any overreach.

Handling ICE visits requires preparation and legal guidance. Using our **Employer Action Plan Checklist** will help you get started. Employers should always involve legal counsel and follow company procedures.

Contact any member of Constangy's **Immigration Team** for further guidance.

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