

An Employer's Guide on Responding to an ICE Raid



The first step in being prepared for a visit by ICE is to put forth every effort possible to ensure compliant I9 practices. To that end, the employer should provide thorough training to staff members responsible for completing Form I-9. In addition, the employer should conduct routine self-audits annually, which should be supervised by an attorney. The employer should also have a detailed audit protocol when government agents unexpectedly arrive on business premises. This includes visits where ICE is conducting an I-9 Audit as well as a targeted raid with the intent of making arrests of undocumented workers.

Proactive Steps to Prepare for a Raid:

- Develop a response plan so that the Point Person and all employees know who should be notified any time ICE or other government officers comes to the workplace. Notify legal counsel as soon as an officer or agent appears.
- Confirm whether the ICE Officer has an arrest warrant to search the premise or arrest a specific employee. If so, make sure that it is issued by a federal court and signed by a federal judge.
- If they do not have a judicial warrant, ICE agents do not have the right to enter non-public areas of a worksite. Public areas (e.g., parking lots or lobbies) are typically accessible, but private areas require authorization.
- Ensure you have proper signage for private workspaces or non-public spaces.
- Remind employees to stay calm and that they have the right to remain silent. The employer should not assist employees in leaving the premises.
- Inform employees to be courteous to all government agents including ICE Officers, but not to provide them with more information outside the scope of the notice of inspection or subpoena.
- Your employees have the right to remain silent, not answer any questions, and the right to call an attorney.
- If an employee is arrested and detained, to the extent possible, try to find out which ICE detention center the employee will be sent to.
- For assistance during a raid, reach out to the Fisher Phillips Rapid Response Team Hotline: **877-483-7781 / DHSRaid@fisherphillips.com**