

# 2026 HOW TO PREPARE FOR ICE RAIDS

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# ICE

## Most Common Mistakes During an ICE Raid

# Most Common Mistakes

- Most Common Mistakes:
  - ▣ Not reviewing the warrant
  - ▣ Allowing ICE to search areas they are not allowed to search
  - ▣ Panicking and employees running from ICE officers
  - ▣ Physically interfering with ICE officers
  - ▣ Lying or providing false information to ICE officers
  - ▣ Assisting employees with hiding from ICE officers
  - ▣ Destroying or hiding documents
  - ▣ Not documenting the ICE raid



## How To Prepare for an ICE Raid

# How to Prepare For An ICE Raid

## □ **Designate a Rapid Response Team**

- Designate and train key management personnel that will be responsible for:
  - Reviewing the warrant
  - Contact Legal Counsel
  - Monitor ICE officers during the search/raid
  - Document the ICE search/raid
  - Manage internal and external communications

It is crucial for the Rapid Response Team to coordinate to avoid panic and make sure that the Employer's and Employees' rights are being protected.

# How to Prepare For An ICE Raid

- ❑ **Stay Calm** and encourage employees to also stay calm.
  - ❑ Employees should not run away from ICE
- ❑ Review the warrant carefully.
- ❑ You have the right to remain silent. Do not lie to ICE officers.
- ❑ Call legal counsel
- ❑ Object to unauthorized searches
- ❑ Document! Document! Document!
- ❑ Do not physically interfere or obstruct





ICE Raid – Now what?

# Step 1: During the ICE Raid

- Activate your Rapid Response Team
  - ▣ Designated key personnel will first:
    - Verify credentials
    - Review the warrant
    - Call legal counsel
    - Manage internal and external communications
    - Monitor what the ICE officers do and say
  - ▣ The designated key individual will be in charge of talking to the ICE officers
  - ▣ **It is important to keep everyone calm in order to protect your rights as the employer and the employees' rights**



# Step 2: Review the warrant

- **Step 1: Review the Warrant.**

Is this an “administrative” or “judicial” warrant?

- ▣ An “administrative” or ICE warrant is a form issued by ICE. If it is signed by an ICE officer, it is an administrative warrant.

- ▣ A “judicial” warrant is signed by a Judge.

- **The type of warrant gives different rights to ICE!**

# Judicial Warrants vs. ICE Warrants

## Judicial Warrants

- ❑ Signed by a judge
- ❑ Issued for criminal compliance
- ❑ Can enter public and private areas

## Administrative Warrants

- ❑ Signed by an ICE officer
- ❑ Issued for regulatory compliance inspections, code enforcement, and civil immigration enforcement
- ❑ Two types:
  - ❑ Warrant for Arrest of Alien (Form I-200)
  - ❑ Warrant of Removal/Deportation (Form I-205)
- ❑ Can only enter public areas

# Step 2: Judicial Warrant - Example

JD-93 (Rev. 10/15) Search and Seizure Warrant

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UNITED STATES DISTRICT COURT  
for the \_\_\_\_\_

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

Case No. \_\_\_\_\_

**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):

**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(f), 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 15 ☐ until the facts justifying the later specific date of \_\_\_\_\_

Date and time issued: \_\_\_\_\_ Judge's signature: \_\_\_\_\_  
City and state: \_\_\_\_\_ Printed name and title: \_\_\_\_\_

A search warrant is needed to  
search and enter premises; an  
administrative warrant  
doesn't allow entry

Check that the warrant has  
your correct name and address

Officers typically can only  
search the specified person or  
property described . . .

The search is only allowed at  
the stated time and date.

A warrant is only valid with a judge's signature.  
Without it, you can refuse the search.

# Step 2: ICE Warrants - Examples

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

File No. \_\_\_\_\_

Date: \_\_\_\_\_

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

### Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)  
on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)  
notice were read to him or her in the \_\_\_\_\_ language.  
(Language)  
\_\_\_\_\_  
Name and Signature of Officer  
\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

## DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement

### WARRANT OF REMOVAL/DEPORTATION

File No: \_\_\_\_\_

Date: \_\_\_\_\_

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

\_\_\_\_\_  
(Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_  
(Place of entry) (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:

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 his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

\_\_\_\_\_  
(Date and office location)

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# Step 2: Review the warrant, continued

- After identifying the type of warrant, take note of the following:
  - ▣ Is the Employer name correct?
  - ▣ Is the address correct?
  - ▣ Are they looking for a specific employee?
  - ▣ What areas are they authorized to search?
  - ▣ Review the scope and limitations on the warrant

# Step 2: Review the warrant, continued

- ❑ If there is no warrant and ICE is interfering with your operations, you have the right to ask them to leave.
- ❑ Remember that ICE warrants do **NOT authorize** ICE to search **private areas**! If they ask to search a private area, do not consent. If they insist in entering without a warrant, verbally object. Do NOT physically obstruct them.
- ❑ Employers do not have to assist ICE beyond what a judicial warrant requires. Make sure to review the warrant carefully
- ❑ The Fifth Amendment gives the right to all “persons” to remain silent when questioned by law enforcement authorities and you may request an attorney be present for any questioning



# Step 3: Searches

- For an ICE warrant (administrative), the ICE officer can only stay in public areas
  - ▣ If the officer asks to go to a private area, you can object and say no.
  - ▣ Document where the officer is and any places they go.
  - ▣ If there are cameras, keep the recording of the cameras
- If the ICE officer is looking for an individual:
  - ▣ You do not need to report which employees are working that day
  - ▣ You do not need to go find the employee
- You have the right to remain silent and call legal counsel
- Do NOT lie to an ICE officer

# Step 4: Communicate with Employees

- Inform employees that they have the right to remain silent and not answer any questions from ICE officers
- Advise employees that they have the right to an attorney if they are questioned or detained
- Do NOT interfere with ICE officers if they are questioning or detaining employees, but document the interaction

# Step 5: Document!

- Maintain a list of employees who were present during the ICE raid
- Record what areas were searched
- Record information about ICE agents were present (inside and outside)
  - ▣ How many?
  - ▣ Were they carrying guns?
  - ▣ Did they appear threatening?
- Document any interactions or conversations with ICE officers
  - ▣ Did they threaten anyone?
  - ▣ Did you make any objections? What was the response?

# Step 5: Document!

- Keep copies of all documentation provided by ICE
- Note what items were seized (if any)
- If ICE arrests anyone, ask the ICE officers where they are being taken
  - ▣ Communicate with the employee's contact so they are aware the location
- Save any company surveillance footage taken during the enforcement action.



# ICE

After the ICE Raid

# Next Steps

- Consult with legal regarding next steps and how to respond to any allegations or requests from ICE.
- Communicate with employees about the incident. Transparency is key in maintaining morale and trust.
- Review policies and procedures





## Fines to Form I-9

# I-9 Audits

- Increase in Form I-9 Audits during the Trump Administration. Employers who are not in compliance could face significant monetary penalties. These penalties range from:
  - ▣ \$281 to \$2,789 for paperwork violations
  - ▣ \$698 to \$5,579 per violation for knowingly employing an unauthorized worker (First offense)
  - ▣ \$5,579 to \$13,946 per violation for knowingly employing an unauthorized worker (Second offense)
  - ▣ \$8,369 to \$27,894 per violation for knowingly employing an unauthorized worker (Third or more offense)
  - ▣ Employers may also face criminal penalties



## How To Fill out Form I-9

# Generally

- Best Practices

- Keep all I-9 forms separate and organized
- Conduct a Self-Audit of Form I-9s
- Keep a system to ensure that Reverifications are done in a timely basis
- Document any changes! Transparency is key!

# Most Common Mistakes

- Most Common Mistakes to look out for:
  - ▣ Name Spellings and Middle Initial
  - ▣ Not entering the Alien Registration Number
  - ▣ Forms not being filled out within 3 days of date of hire
  - ▣ Section 2 documents not having the right title, expiration date or issuing authority
    - Note: Social Security Cards need to be unrestricted
    - Note: Documents cannot be expired
  - ▣ Corrections not being dated or initialed
  - ▣ Using an expired Form I-9
  - ▣ Using a Spanish Form I-9 outside of Puerto Rico

# Who Needs To Complete Form I-9

- All individuals hired by the Company
- EXCEPT: You do NOT need to complete Form I-9 for the following:
  - ▣ Casual domestic work in a private home on a sporadic, irregular, or intermittent basis
  - ▣ Independent contractors
  - ▣ Employees not working on U.S. soil
  - ▣ Employed by a contractor providing contract services and are providing work to you
  - ▣ Employees hired on or before November 6, 1986



# Returning Employees

- You do **NOT** need to do a new I-9 for a returning employee when
  - (1) they are continuing their employment and
  - (2) they have a reasonable expectation of employment at all times

# Returning Employees, continued

## □ Continuing Employment:

- The employee is on an approved paid/unpaid leave because of study, illness or disability of a family member, illness or pregnancy, maternity/paternity leave, vacation, union business leave, other temporary leave approved by employer.
- Is promoted, demoted or gets a raise
- Is temporary laid off for lack of work
- Is on a strike or in a labor dispute
- Is reinstated after a disciplinary suspension or a termination that was found unjustified by any court, arbitrator or administrative body or was otherwise resolved via settlement
- Transfers from one unit to another unit of the same employer
- Continues employment with a related, successor or reorganized employer
- Is a “seasonal employee”

# Returning Employees, continued

- “Reasonable Expectation of Employment”:
  - ▣ Whether the individual was employed on a regular and substantial basis similar to others in the same job?
  - ▣ Whether the individual complied with established and published policies regarding temporary absences?
  - ▣ Whether the individual’s job is available when they return or whether it was taken over permanently by another worker?
  - ▣ Based on the employer’s past history, whether it is likely the employer will call back the individual back to work within a reasonable time?
  - ▣ Whether the individual sought benefits inconsistent with the expectation to return (i.e. retirement benefits or severance)?
  - ▣ Whether the communication between the employer and the individual indicate it is likely the individual will resume employment within a reasonable time?
  - ▣ Does the financial condition of the employer indicate its ability to permit the individual to resume employment within a reasonable time?

# Form I-9

- ❑ Download the Form I-9 from the USCIS website directly
  - ▣ <https://www.uscis.gov/i-9>
- ❑ Check the top of the Form to see when the Form expires



## Employment Eligibility Verification

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-9

OMB No.1615-0047  
Expires 05/31/2027

**START HERE:** Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the [Instructions](#).

**ANTI-DISCRIMINATION NOTICE:** All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

# Form I-9, Section 1

- ❑ Must be completed by the Employee ONLY
- ❑ Name fields:
  - ❑ Employees with two last names must enter BOTH names in the Last Name field.
  - ❑ Employees with only ONE name should enter the name under the Last Name field and enter “Unknown” in the First Name field.
  - ❑ Employees with two first names (and no middle names) should enter BOTH in the First Name field
  - ❑ If the name has a hyphen or apostrophe, it should be entered in the field.
  - ❑ If the employee has NO middle name, leave blank. Do not enter a first name or last name here.
  - ❑ “Other Last Names Used” should be used for Maiden names or any other legal last name the employee has used in the past. Do not enter a second last name here.

# Form I-9, Section 1 Examples

- If two last names:

<b>Section 1. Employee Information and Attestation:</b> Employees must complete and sign Section 1 of Form I-9 no later than the <b>first day of employment</b> , but not before accepting a job offer.			
Last Name (Family Name)	First Name (Given Name)	Middle Initial (if any)	Other Last Names Used (if any)
Last name 1 Last name 2	First name 1	M	

- Verify Section 1 was filled correctly when the employee hands it to you and cross check against the documents the employee provided under List A or List B and C.



# Form I-9, Section 1

- Employee must write date of birth as MM/DD/YYYY.
  - ▣ Double check the date was written correctly. For example: 12/24/1965
  - ▣ Note: other countries flip the month and the day when writing dates (they might write 24/12/1965), so ensure the dates were written correctly
- Employees must write their current address.
  - ▣ If an employee does not have a street address, they must write a description. For example: “two miles south of I-81, near the water tower.”
- Employees may leave the SSN field blank. However, if you are enrolled in E-Verify, employees must provide a SSN.
- Employees are not required to write down their email address or phone number. These may be left blank.

# Form I-9, Section 1

- Employees must sign and attest to Section 1.
- ▣ Employees must check a box and attest to their citizenship and immigration status.

<b>I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.</b>	Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):				
	<input type="checkbox"/>	1. A citizen of the United States			
	<input type="checkbox"/>	2. A noncitizen national of the United States (See Instructions.)			
	<input type="checkbox"/>	3. A lawful permanent resident (Enter USCIS or A-Number.)			
	<input type="checkbox"/>	4. An alien authorized to work until	(exp. date, if any)		
	If you check <b>Item Number 4.</b> , enter one of these:				
	USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance
Signature of Employee		Today's Date (mm/dd/yyyy)			

- ▣ Double check the form is signed and dated correctly (MM/DD/YYYY)
- ▣ Ensure if they selected box 3, the A-number is provided

# Form I-9, Section 1 - Preparer

- ❑ If a preparer or translator was used, please make sure they complete the Preparer/Translator Certification (Supplement A) of the Form I-9



**Supplement A,  
Preparer and/or Translator Certification for Section 1**

**Department of Homeland Security  
U.S. Citizenship and Immigration Services**

**USCIS  
Form I-9  
Supplement A**  
OMB No. 1615-0047  
Expires 05/31/2027

- ❑ Review carefully for accuracy, make sure it is signed and dated
- ❑ Preparers/Translators may not use a P.O. Box in place for a physical address

# Form I-9, Section 2

- Review the completed Section 1 and Supplement A (if any)
- Compare with documents provided by employee
  - Note: You cannot specify which documentation the employee can present
- Make sure to physically examine the documents. Copies are not acceptable (except for certified copies of birth certificates)
- Make sure to write the correct issuing authority and expiration date

# Acceptable Documents

- All documents must be UNEXPIRED
- Social Security Card
  - MUST be unrestricted
  - Restricted Cards are labeled as:
    - VALID FOR WORK ONLY WITH DHS AUTHORIZATION
    - NOT VALID FOR EMPLOYMENT
    - VALID FOR WORK ONLY WITH INS AUTHORIZATION
- An employee can offer either a document from List A or a combination of one document from List B and one from List C2

# Employment Authorization Cards

- Review the EAC for the Category and the expiration date
- Make sure to calendar the expiration date so Supplement B (Reverification) can be completed prior to the expiration of the EAC
- Some EAC are eligible for automatic renewal if they meet certain criteria. For more information, please see the USCIS website
  - ▣ <https://www.uscis.gov/eadautoextend>



## How To Prepare for an I-9 Audit

# Generally

- How to prepare for an I-9 Audit
  - ▣ Review all of the Form I-9s for errors
  - ▣ Document any changes! Transparency is key!
  - ▣ Make sure to write a memo and attach it to the Form I-9 explaining why changes were made or why a new Form I-9 had to be filled out.
  - ▣ If you use an electronic system to generate and store I-9s, make sure the system is compliant



# QUESTIONS?

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# THANK YOU!