

Navigating Immigration Enforcement: Guidance from a Legal Perspective

Meeting Overview and Summary

OVERVIEW

The meeting focused on providing guidance to hospitality industry employers regarding ICE raids and I-9 compliance. Attorneys Martin Kappenman and Francis Rojas presented strategies for handling ICE inspections, including proper review of warrants, employee rights, and documentation requirements. They emphasized that employers should not lie to ICE officers but can remain silent and consult legal counsel. The presentation covered common mistakes to avoid during raids, such as physically interfering with officers or assisting employees in hiding. The attorneys also discussed I-9 form completion and audit requirements, noting that electronic systems may not meet ICE standards. Questions from attendees were addressed regarding employee rights, document storage, and cooperation with ICE. The session concluded with a reminder that employers should consult legal counsel for specific situations and continue to monitor the evolving immigration enforcement landscape.

SUMMARY

Immigration Insights for Hospitality Industry

Angie Whitcomb hosted a meeting with Martin Kappenman and Francis Rojas to provide information and address concerns about immigration issues affecting the hospitality industry. The session was designed to separate fact from fiction and offer guidance, though it was emphasized that this was not legal advice. Participants were encouraged to email specific questions to the attorneys for further discussion, and the meeting was set up to allow for live questions and a Q&A session at the end.

ICE Raid Response Training

Martin presented a training session on preparing for and responding to ICE raids, emphasizing the importance of remaining calm and documenting the situation. He outlined common

mistakes to avoid, such as not reviewing warrants, interfering with officers, and lying to agents. Martin stressed the need to establish a rapid response team to handle various aspects of the raid, including reviewing warrants, contacting legal counsel, and managing communications. He also advised against physically interfering with ICE officers and encouraged employers to stay calm and firm during the raid.

ICE Warrant Entry Guidelines

Francis explained the differences between administrative and judicial warrants, noting that administrative warrants are issued by ICE officers and allow entry only to public areas, while judicial warrants, signed by a judge, allow entry to both public and private areas for criminal compliance. She clarified that businesses should not allow ICE to enter private areas without a judicial warrant and emphasized the importance of reviewing warrant scopes quickly when ICE arrives. Francis also addressed questions about public and private areas, explaining that areas accessible to the public, such as reception areas and bathrooms, are considered public, while areas like production spaces and laundries are private.

ICE Warrants and Search Rights

Francis explained the differences between judicial and ICE warrants, emphasizing that ICE warrants are issued by the Department of Homeland Security and signed by an immigration officer. She discussed the rights and limitations of searches under ICE warrants, including the ability to search public areas and the need for verbal objections to searches of private areas. Francis advised against physical obstruction and encouraged documenting objections and interactions with ICE officers. She also emphasized the right to remain silent and the importance of not lying to ICE officers, while noting that employers do not have to assist ICE beyond what a judicial warrant requires.

ICE Officer Interaction Guidelines

The meeting focused on guidelines for handling interactions with ICE officers. Francis explained that employees do not need to disclose their presence and can remain silent, with the right to an attorney, while documenting interactions. She clarified that judicial warrants for specific individuals allow for silence and legal consultation, and employees must provide identification when asked. Francis advised maintaining detailed records of interactions, including descriptions of ICE officers and any threats made, while avoiding interference with searches.

ICE Hotel Industry Inspection Guidelines

The meeting focused on ICE inspections and I-9 audits. Martin explained that ICE inspections can occur at any time and that employers should be prepared to provide I-9 documentation within 3 days. He emphasized that employers are typically not liable for employees'

misrepresentations on I-9 forms. Francis discussed the challenges of electronic I-9s and suggested further discussion on this topic. The group also addressed concerns about hotels being unfairly targeted by ICE and the importance of documenting any ICE enforcement actions, including the location of any arrests.

ICE Raid Preparedness and I-9 Compliance

The meeting focused on preparing for potential ICE raids and handling I-9 forms. Martin emphasized the importance of having up-to-date emergency contact information for employees and communicating transparently with them after a raid. He advised against allowing employees to leave the premises during an ICE visit, as this could be seen as hiding them. Martin also explained the process of handling I-9 forms, including the three-day window for turning them over to ICE and the possibility of receiving no-match letters. The group discussed strategies for controlling access to private property during protests and the potential for increased scrutiny if businesses shut down during an ICE visit.

I-9 Compliance and ICE Inspections

The meeting focused on Form I-9 compliance and ICE inspections. Martin and Francis discussed common mistakes employers make with I-9 forms, emphasizing the importance of proper documentation and audits. They advised employers to keep copies of employee documents and comply with ICE requests during inspections. The presenters also addressed questions about electronic I-9 systems, employee verification, and the role of employers during ICE visits. Hospitality Minnesota, represented by Angie, assured attendees that they continue to monitor the situation and work with law enforcement to protect businesses.