

## When ICE Comes to Your Business: Know Your Rights

### Can ICE enter my restaurant?

- ICE has the right to enter public spaces. ICE does NOT have the right to enter the private area of a workplace without (1) employer's permission or (2) a warrant.
  - What is a public vs. private space?
    - \*\*\*\*
- Train your employees on what to do if ICE comes. The ICE agents should be kept in a place where they do not have access to workers or customers until the owner is notified and available.
  - ASK: Do you have a warrant? May I see it?
    - To be valid, a warrant must be signed by a judge, have the correct name and address of your business, and describe the places to be searched. For example, if the warrant permits access only to the office, then ICE cannot then inspect the kitchen under that warrant.
  - If ICE does NOT have a warrant, then SAY: I do not give permission for you to enter.
  - WRITE down the ICE officer's name, badge number, and anything the ICE officer tells you about the purpose of their visit.

### What if ICE is conducting an I-9 audit?

- ICE does not need a warrant to inspect or conduct an I-9 audit. ICE can conduct random or targeted I-9 audits. ICE needs only "articulable" facts that would give ICE "reasonable suspicion" that the employer is violating the law. Employers can ask what the basis is for conducting the I-9 audit of their workplace and try to get this in writing!
- ICE must provide employers at least three days' notice before conducting an I-9 audit.
- During the I-9 audit, ICE may ask the employer for access to certain workers regarding their documents:
  - Employers (or workers) can ask what the basis is for questioning the documents for specific workers (what is the discrepancy). Try to get this in writing.
  - Keep an eye out for discriminatory patterns.
  - Make sure your workers know their rights, including the right to remain silent.
- DO NOT discriminate against new employees based on accent, national origin, or ethnicity. Workers should NOT be required to produce documents until they have actually been hired. Workers also have the right NOT to speak with their employer about their immigration status. An employer's obligation is to not *knowingly* hire someone who is not eligible to work in this country. If the documents the worker presents appear valid, then you have complied with your obligations. Once verified, you are not required to reverify an employer's work authorization status UNLESS the document they present (such as an EAD) has an expiration date.

## **When ICE Comes to Your Business: Know Your Rights**

### **If ICE has the right to enter the workplace, what can I do then?**

- As an employer, if ICE has a warrant to enter your workplace OR is conducting an I-9 audit, then you must comply. You CAN, however, make sure your employees know their rights ahead of time.
  - If questioned by ICE, employees should
    - Remain calm and do not run– this could be an admission that you have something to hide.
    - ASK: Am I free to go?
      - If yes – then leave, if no →
    - SAY: I do not want to talk with you without a lawyer.
    - REMAIN SILENT
  - Co-workers should consider making a collective decision to all exercise their rights to remain silent and not talk to ICE without a lawyer, in the event of an ICE raid.

If ICE arrests someone, Contact the **Immigration Enforcement Hotline Number** immediately:

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