

WHEN ICE COMES TO YOUR BUSINESS: Know Your Rights

Can immigration officers enter my restaurant?

Immigration and Customs Enforcement (“ICE”) officers can enter public spaces without a warrant or your consent. Areas open to the public might include entrance areas, lobbies, or dining areas. Private areas include areas open only to employees, such as a kitchen or break room.

ICE cannot enter private areas without (1) a valid warrant or (2) your consent. In most cases, ICE does not have a valid warrant.

Have a plan and train your employees on what to do if ICE or law enforcement comes to the restaurant. Knowing what to do in advance makes everyone safer. Here are some recommendations:

- ✓ Choose a specific person or persons as responsible for handling contacts with law enforcement. All other staff should inform the officer that only that person can review the warrant or consent to their entry into private areas, and to decline to answer any questions, i.e. **“Please wait here, I am not the right person to answer your questions”**
- ✓ Until the chosen person is notified and available, direct the officers to wait in a place where they do not have access to workers or customers.
- ✓ If you are the chosen person, stay calm and be polite. Do not interfere or obstruct with the police. Politely ask: **Do you have a warrant? May I see it?** You have the right to inspect the warrant.
- ✓ If the officer does not have a warrant, then politely say: **I do not consent for you to enter without a warrant. I do not wish to answer questions at this time.** Write down the officer’s name, badge number, and anything the officer tells you about the purpose of their visit.
- ✓ If the officer is in a public area or has a warrant, your employees and customers have a right to remain silent, and they have a right to ask for a lawyer to be present before answering any questions.
- ✓ Everyone should remain calm and do not run; running can be cause for an arrest. Do not lie or give false documents.
- ✓ Co-workers should consider making a collective decision to exercise their rights to remain silent and not talk to immigration officials without a lawyer, in the event of an enforcement action.

What is a valid warrant?

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, a warrant to search records in the office, does not permit access to the kitchen.

If you witness an ICE arrest or enforcement action, call the **Immigration Enforcement Hotline** immediately:

San Francisco: 415-200-1548
Alameda County: 510-241-4011

SAMPLE ICE WARRANT

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Naturalization Service:

_____ (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 district director or a district director's 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:
Section 241(a)(5) of the Immigration and Nationality Act(Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General 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 the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

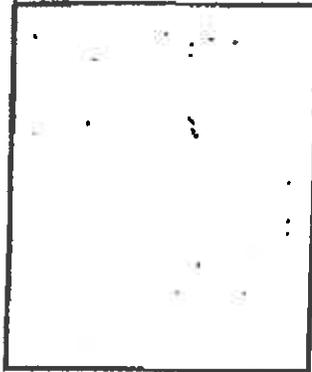
(Signature of INS official)

(Title of INS official)

(Date and office location)

To be completed by Service officer executing the warrant:
Name of alien being removed: _____

Port, date, and manner of removal: _____



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of INS official taking print)

Departure witnessed by: _____

(Signature and title of INS official)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here.

Departure Verified by: _____

(Signature and title of INS official)

SAMPLE JUDICIAL WARRANT

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

The Premises Known As,

Swift & Company, located at 1700
Highway 60 NE, Worthington,
Minnesota, and all its
appurtenances, parking areas,
and outdoor working areas

Defendant.

CIVIL NO. 06mj457 JSM

ORDER
FOR WARRANT FOR
ENTRY ON PREMISES TO
SEARCH FOR ALIENS
WHO ARE IN THE UNITED
STATES WITHOUT LEGAL
AUTHORITY

The United States of America, having filed an application to authorize officers of United States Immigration and Customs Enforcement to enter the building on the premises described above in order to search for persons who are aliens in the United States without legal authority, together with an Affidavit and memorandum of Points and Authorities in support of the application, and the Court finding on the basis of the affidavit that there is probable cause to believe that located within the business premises described above are persons who are aliens in the United States without legal authority and subject to removal proceedings pursuant to Section 240 of the Immigration and Nationality Act, 8 U.S.C. § 1229a (1996).

IT IS THEREFORE ORDERED that the officers of U.S. Immigration and Customs Enforcement are authorized to enter the building and

areas on the premises described herein and to make such search as is necessary to locate aliens present in the United States illegally and counterfeit, altered, or imposter documents possessed and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift, Inc. (See Attachment B). In making this search, the agents of ICE are authorized to enter any locked room on the premises in order to locate persons who may be such aliens in the United States without legal authority and, if any such persons are found on the premises, to exercise their authority pursuant to section 287 of the Immigration and Nationality Act, 8 U.S.C. § 1357, to question them to determine whether they are such aliens and, if there is probable cause to believe they are such aliens, to arrest them.

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006


JANIE S. MAYERON
United States Magistrate Judge

ATTACHMENT A
LOCATION OF PROPERTY TO BE SEARCHED

The entire premises and vehicles within the cartilage located at Swift & Company, located at 1700 Highway 60 NE, Worthington, Minnesota, further described as:

Parcel Number 31-3787-000 and Parcel Number 31-3790-000 in the county of Nobles, in the state of Minnesota. A commercial industrial meat processing plant with one main building and several out buildings on the property.

Directly to the north of the facility is Interstate 90 and to the west of the facility is Highway 60. The facility has one main vehicle gate. A chain link fence surrounds the facility on three sides with barbed wire on top. Security personnel housed in an access control booth man the main gate.

ATTACHMENT B
DESCRIPTION OF ITEMS TO BE SEARCHED FOR

1. Aliens who are not lawfully entitled to reside within the United States who are employed at present within Swift & Company; and

2. Counterfeit, altered or imposter documents possesses and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift & Company.