

IMMIGRATION, ICE, AND PROTECTING FARM WORKERS

free webinar

What do you need to know about USCIS I-9 Audits and "ICE raids" to best protect your agricultural business and your workforce?

JUNE 3 | 6:30 - 7:30 PM

SIGN UP NOW:

centerfordairyexcellence.org/ice-webinar



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Event Host: Center for Beef Excellence, Center for Poultry & Livestock Excellence, PA Beef Producers Working Group, and the Center for Dairy Excellence



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CENTER MISSION AND BACKGROUND

The Center for Agricultural and Shale Law conducts research and educational programs to serve a wide variety of stakeholders including agricultural producers, landowners, mineral interest and royalty owners, business professionals, judges, attorneys, legislators, government officials, community groups, and the general public. Center programs are funded in part by the Commonwealth of Pennsylvania through the Pennsylvania Department of Agriculture. The Center for Agricultural and Shale Law is a partner of the National Agricultural Law Center (NALC) at the University of Arkansas System Division of Agriculture, which serves as the nation's leading source of agricultural and food law research and information.

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Welcome to the Center for Agricultural and Shale Law

Agricultural Law Weekly Review

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Agricultural Law Weekly Review—June 3, 2025

National Agricultural Policy: House Ag Committee Publishes Draft Budget Resolution Plan 🇺🇸 On May 12, 2025, the House Committee on Agriculture announced the publication of its draft text to accommodate the federal budget resolution's reconciliation directives (I overview of the draft. For more detail Summary Overview, Ohio St. Univ. Ext. F the House's Big Beautiful Bill?, Iowa St. U

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about 2 weeks ago



Agenda

- There is no more “INS” – discontinued terminology
- United States Citizenship and Immigration Services (“[USCIS](#)”) – part of [DHS](#).

**This webinar is designed to prepare agricultural employers
for the 2 most common interactions with USCIS:**

- **I-9 Audits**
- **ICE Raids** (“Immigration and Customs Enforcement”)

But first, let’s talk about some more educational opportunities coming up →



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PennState Extension

Agricultural Workforce Services and Training



**Pennsylvania
Department of
Labor & Industry**

This project is funded 100% with federal funds from a US Department of Labor grant totaling \$1,325,699.00 and 0% (\$0.00) non-federal funds. Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program.



Project Goals

June 1, 2025 – May 31, 2027

Link agribusinesses to workforce services

Educate workforce professionals about the needs of agribusinesses

Provide services and training to individual agribusinesses based on needs

Help small agribusinesses grow and succeed



Meet the Team

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Areas of Expertise

Hiring & Retention

Compensation and Benefits

Legal Considerations

Health and Safety

Business and Operations

Photo credit: Microsoft Stock Images

GOAL 1

Connect Agribusinesses to Workforce Services

- Register 1000 agribusinesses in PA CareerLink® online system
- Help connect agribusinesses to local PA CareerLink® offices
- Provide in-person and online information sessions on PACL services
- Attend ag-related events to speak to ag business owners one-on-one
- Provide on-demand presentations (recordings) about workforce programs
- Provide a toolkit with FAQs and resources



GOAL 2

Educate Workforce Professionals About the Needs of Agribusinesses

- Survey agribusinesses to learn about workforce and training needs
- Organize 12 different “On-The-Farm” events around the state for workforce staff
- Share survey results with workforce staff
- Provide training to workforce professionals regarding the needs of agribusinesses



GOAL 3

Provide Consultation to Individual Agribusinesses

- Conduct intake and register individual agribusinesses for consultative services
- Provide workshops or specific training sessions based on needs of agribusiness (online and in-person)
- Refer agribusiness to consultant when necessary for business needs, safety, HR, law topics and others





Deliverables

Webinars and Workshops

Landing Page with Resources and Links

Videos and Toolkits

Newsletter

On-The-Farm Events



How Can You Help?

Share our website and contact

Refer ag businesses

Take and share our survey

Subscribe to our newsletter

Reach out with referrals or questions

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Contact:

cyh101@psu.edu

AgWorks@psu.edu

Or use the QR code to sign up for updates





I-9 Audits and ICE Raids – then and now

- Prior Trump Administration 2016-2020: Pennsylvania experienced some I-9 Audit activity, but very few ICE Raids of the type and on the scale of other states.
- Starting in January 2025, there was no concealing the intention to conduct ICE Raids on a much larger scale nationally, but what may happen in Pennsylvania?
- There is not centralized database of what is happened and where. Anecdotal media accounts, limited information being made public thus far re: enforcement activities.
- DHS/USCIS news releases focus on “crime”-connected arrests.



Immigration Reform and Control Act - 1986

- Requires all employers verify each employee's identity and eligibility to work in U.S.
 - Includes both U.S. citizens and non-U.S. citizens.
- Verification made through completion of Employee Eligibility Verification Form I-9 for each employee.
- [I-9 Central](#) – USCIS webpage.



- **I-9 Central**

- [Form I-9 Related News](#)
- [Completing Form I-9](#)
- [Form I-9 Acceptable Documents](#)
- [Special Employment Categories](#)
- [Remote Examination of Documents](#)
- [Employee Rights and Resources](#)
- [Legal Requirements and Enforcement](#)
- [Form I-9 Resources](#)
- [Policy & Related News Archive](#)
- [Form I-9 Contact Us](#)
- [E-Verify](#)



**U.S. Citizenship
and Immigration
Services**



Immigration Reform and Control Act

- Prohibits discriminating against worker due to national origin, citizenship, or intended citizenship.
 - In addition to federal anti-discrimination laws.
- Does not apply to employers of 3 or fewer employees.



Form 1-9: Requirements – hired after 11/6/86

- Employers must view copy of employee's Social Security number or DHS employment authorization document number.
- Employers must check documents submitted by employee to establish identity and eligibility.
 - Examples: U.S. passport, Resident Alien Card, birth cert.
 - May choose to use E-Verify system



Form I-9, Employment Eligibility Verification consists of two sections and two supplements:

- **Section One: Employee Information and Attestation**
Completed by employees
- **Section Two: Employer or Authorized Representative Review and Verification**
Completed by employers
- **Supplement A, Preparer and/or Translator Certification for Section 1**
Completed by individuals who assist employees in completing or translating Section 1.
- **Supplement B: Reverification and Rehires**
Completed by employers for employees who are rehired or whose employment authorization requires reverification.



Employee **accepts offer** for employment



Employee **completes Section 1** of the form no later than first day of work for pay



Employee **gives documents and form** to employer



Employer **completes Section 2** of the form no later than 3rd business day employee starts work for pay



If Employee's work authorization expires, **complete Supplement B**



Form 1-9: Requirements

- Employers must retain Form I-9 for 3 years after employee has been hired or 1 year after employment relationship has been terminated (whichever is longer).
- Must be filed separately from employment file.
- Employers must present filed Form I-9 if audited.



Form 1-9: Reverification

- When current employee's authorization documentation expires employer must re-check documents and re-verify on Form I-9 that employee still authorized to work in U.S.
 - Not required for U.S. citizens, [noncitizen nationals](#), or lawful permanent residents who presented a Form I-551 Permanent Resident card.



Form I-9: Rehires

- Previous Form I-9 may be used to re-verify employment authorization of rehire if:
 - Former employee rehired within 3 years; and
 - Form I-9 was previously completed for employee; and
 - Authorization documentation on previous Form I-9 has not expired. If so – see next slide.
- Once re-verified, employer must update previous Form I-9 to reflect date of rehire.



Form 1-9: Rehires

- If authorization for previous Form I-9 has expired:
 - Employer must re-check the worker's authorization documentation and
 - Update rehire date on previous Form I-9.
- For any former employee rehired after 3 years, employer must re-check worker's authorization documentation and complete new Form I-9



I-9 Audits vs. ICE Raids

I-9 Audit: Document Production with 3 business days advance notice.

ICE Raid: Execution of a Search Warrant

- If none, or a defective, warrant = this is not a “raid.” You do not need to permit entry to any area not open to public nor provide any documents.



I-9 Audit

- Homeland Security Investigation (HSI)
 - HSI auditor may be accompanied by ICE agent or US Marshal(s).
 - NOI – “Notice of Inspection” – gives you 3 business days to produce documents.
 - Hand delivered, unannounced.



I-9 Audit

- Notify employees that NOI received
- Primary ask: I-9s
- Additional documents: payroll records, etc.
 - Anything to cross-reference the accuracy of the info on the I-9s.



I-9 Audit

- Contact an attorney, if possible, asap.
- Establish an employee protocol.
 - Who talks to HSI and ICE, gathers names, badge numbers, provides notice to employees, compiles documents, etc.
 - Who deals with employees while HSI/ICE/Marshal(s) present.
 - **PRIOR TRAINING/EXERCISES!**



I-9 Audit

- Establish an annual or more frequent review of all I-9s on file and have them reviewed for all potential errors or insufficiencies.
- Document all issues found and exactly how they were corrected or addressed.



I-9 Audit

- No employee/family member should ever volunteer any information, access or documents.
- Avoid all casual conversation -- only communication through the designated point of contact.
- Designate where the agents can be and where they should never be without a warrant.





I-9 Audit

- Never waive the 3 business days – including by casually producing anything!
- Designate where the agents can be, without a warrant.
 - Post signs as to where “public” is allowed and where is designated as “employees only.”



I-9 Audit

- I-9s should be stored separately from all other employee file/paperwork
 - Non-discrimination is the law!
- Compiled documents should be copied (retaining an exact duplicate of the compilation) and receipt acknowledged by HSI auditor.



I-9 Audit

- Usually, agents take the documents off-site to inspect.
- Various forms of notices follow:
 - Notice of Inspection Results
 - Notice of Suspect Documents
 - Notice of Discrepancies
 - Notice of Technical Failures
 - Notice of Technical and Procedural Failures
 - Warning Notice
 - Notice of Intent to Fine



I-9 Audit

- Technical or Procedural Violations:
 - 10 business days to correct the forms.
 - That may need the employee, if re: Section 1.
 - Corrected or correctable violation can still produce a fine.
- FINE CALCULATION: It's scary!
 - Substantive = >\$1000 per violation (not per form)



I-9 Audit

- Fines are on a sliding scale: size of business, good-faith effort, seriousness of violation, involvement of truly unauthorized workers, history of prior violations.
- Statistic from ~2020: 65% of all I-9s have at least one violation.
- *Knowingly hires and continues to employ noneligible employee* = up to \$16,000



I-9 Audit

- In 30 days, fines are final without an appeal.
- Appeals can be successful in reducing fines. Hire an attorney!
- NEVER, EVER ALTER, FABRICATE OR DESTROY A DOCUMENT



ICE Raid

- This means there is a Search Warrant, in any context.
- Establish and use similar protocols: One point of contact should record all information about agents, read and copy the warrant and accompany agents at all times. Separate employee designated to deal with employees, establish where employees should wait.



ICE Raid

- This is not a drill! (but do practice the drill)
- No one – any employee, owner, family member, etc. -- is required to answer any questions from agents. And DO NOT do so.
- Read the warrant and check date/time of entry allowed, places of entry allowed, what is allowed to be seized.



ICE Raid

- You will get a receipt for any things, documents, seized. Demand one, it is the law.
- Call an attorney, but agents do not have to wait to conduct the search.
- Be polite and compliant. If asked, shut down equipment, gather employees in one place, etc.



ICE Raid

- Document everything, including where any detained employees are being taken, in order to notify family/emergency contact.
- Do not agree to have your personal or company attorney/firm also represent any detained employee.
- Detained employee should have separate counsel!



I-9 Audit & ICE Raid

Conclusion:

- Establish protocols and make sure they are known by all.
- Conduct internal review of I-9s on a routine schedule so you know exactly what is in your files. Purge I-9s older than the retention period.
- Line up an attorney for contingencies.

Can Federal Immigration Officers Access Farm Fields?

<https://agworkforce.cals.cornell.edu/2025/05/08/can-federal-immigration-officers-access-farm-fields/>

What is allowed / prohibited, generally (including all of Pennsylvania):

Federal Regulation of DHS at 8 CFR 287.8(f)(2):

“An immigration officer may not enter into the non-public areas of a business, a residence including the curtilage of such residence, or a farm or other outdoor agricultural operation, except as provided in section 287(a)(3) of the Act, for the purpose of questioning the occupants or employees concerning their right to be or remain in the United States unless the officer has either a warrant or the consent of the owner or other person in control of the site to be inspected.”

Different standard w/in “reasonable distance” or “15 miles” of U.S. border:

Federal Law enacted by Congress at 8 U.S.C §1357(a)(3):

““Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant- ...(3) within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;”



Resources: From Employer's Perspective

- USCIS "I-9 Central"
- <https://www.uscis.gov/i-9-central>
- Handbook for Employers M-274 (I-9 Handbook for Employers from USCIS)
- <https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/table-of-contents>
- Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits (from USCIS)
- www.ice.gov/doclib/guidance/i9Guidance.pdf
- USCIS Policy Manual – Volume 10 – Employment Authorization
- <https://www.uscis.gov/policy-manual/volume-10>



Additional Resources

- A Guide for Employers: What to Do if Immigration Comes to Your Workplace (National Immigration Law Center)
 - <https://www.nilc.org/resources/a-guide-for-employers-what-to-do-if-immigration-comes-to-your-workplace/>
- Resources: From Employee's perspective
 - www.americanbar.org/content/dam/aba/administrative/immigration/know-your-rights/know_your_rights_english.pdf
 - <https://legalaidthatwork.org/factsheet/i-9-audits/>
 - <https://www.centerforhumanrights.org/post/know-your-rights-during-an-ice-encounter-a-guide-for-immigrants>
 - <https://www.aclu.org/know-your-rights/immigrants-rights>



WHAT TO DO IF IMMIGRATION COMES TO YOUR WORKPLACE



WHAT TO DO IF IMMIGRATION COMES TO YOUR WORKPLACE

WHAT TO DO IF IMMIGRATION COMES TO YOUR WORKPLACE



President Trump's attack on immigrants affects immigrant workers **and** employers. This guide explains:

- the most common immigration actions affecting employers,
- recommendations for how employers can prepare,
- employers' rights and responsibilities, and
- what employers can do after an Immigration and Customs Enforcement (ICE) action.

Important! This guide is general information. **It is not legal advice.** It is not tailored to your situation. Talk to an immigration lawyer for advice in your case.

WHAT EMPLOYERS CAN DO IF IMMIGRATION COMES TO A WORKPLACE

Immigration agents may come to your workplace for a **Form I-9 audit**; a **raid**; or to **detain specific people**.

What is a Form I-9 Audit?

- A Form I-9 audit is when ICE comes to your business to check if you followed the rules for Form I-9.
- Form I-9 confirms a worker's identity and authorization to work in the U.S.

Employer I-9 Requirements

- Form I-9 is required for all new employees.
- You must keep I-9 forms on file for 3 years after hiring or 1 year after the worker's last day of work, whichever is later.
- Do not ask a worker to fill out Form I-9 more than once unless their work permit is about to expire or you have another valid, legal reason.
- Note: You do not have to keep copies of a worker's ID or work authorization documents.

If the Audit Does Not Go Well . . .

- If ICE decides you did not follow the Form I-9 rules, you may face:
 - An order to stop hiring people without valid work permits.
 - Civil and criminal fines and penalties.
- Learn more about Form I-9 in the Handbook for Employers at <https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>.

What Is an ICE Raid?

- ICE agents go to a worksite without warning as part of an investigation into an employer.
- ICE agents are not police officers. But their uniforms may say "Police" or "Federal Agent." They may carry guns. Sometimes local police officers or agents from other federal agencies go with ICE agents on ICE raids.

What if ICE Wants to Detain a Specific Worker?

- ICE agents may come to your business to try to find a particular person (or people). While they are there, they may try to question, detain, and even arrest other people.

HOW EMPLOYERS CAN PREPARE FOR ICE ACTIONS

1. Make a Written Response Plan Ahead of Time

- Talk to other businesses or business associations. Ask what they are doing to prepare.
- Make a plan that works for you.
- Practice – just like a fire drill. You will be more prepared if you know what to say and do.
- Connect with immigration response networks in your area. They provide support with family, legal, financial, and media concerns if immigration agents come to your business.

2. Train Your Staff to NOT TALK to ICE Agents

- Train all workers to NOT allow ICE agents to enter your workplace.
- A worker can say, "I can't give you permission to enter. You must speak with my employer."
- Train all workers to NOT interact with ICE agents. If ICE agents have questions or requests, workers should say nothing, or say, "You are not allowed to enter. Talk to my employer."

3. Know Your Rights!

Employers have rights when ICE goes to a business. ICE agents do not always have a right to enter your business, stop or arrest workers, or take documents.

Work with a community or legal group to arrange a "Know Your Rights" training for you and your staff and pay your staff for the time they spend in training.



WHAT EMPLOYERS SHOULD DO WHEN ICE ARRIVES

For Public Areas

- Anyone – including ICE agents – can enter *public* areas of your business without permission.
- Public areas include a dining area in a restaurant; parking lot; lobby or waiting area.
- Being in a public area does NOT give ICE the authority to **stop, question, or arrest** just anyone.
- No one can enter a *private* area of your business without your permission or a **judicial warrant**.

TIP: To show that some areas are private, mark them with a "Private" sign, keep the doors closed or locked, and have a policy that visitors and the public cannot enter those areas without permission.

For Private Areas

- Immigration agents can enter a private area **ONLY** if they have a *judicial warrant*.
- A judicial warrant must be **signed by a judge** and say "**U.S. District Court**" or a **State Court** at the top.
- Without a judicial warrant, ICE agents need **YOUR** permission to enter private areas of your business.
- If ICE agents try to enter a private area, you should say: "*This is a private area. You cannot enter without a **judicial warrant** signed by a judge. Do you have a judicial warrant?*"
- If ICE agents tell you that they have a judicial warrant, ask for a copy and read it. The employer can accept the warrant but still decline to consent to the search.
- Sometimes, ICE agents try to use an *administrative warrant* to enter. But an administrative warrant does NOT allow agents to enter private areas without your permission. **Administrative warrants** are not from a court. They say "Department of Homeland Security" and are on Forms I-200 or I-205.

During the Raid

- **Stay calm!** Ask workers to stay calm, too. Do not run to the exits. This will make things worse because ICE agents can say that people who are running are likely violating immigration laws.
- When ICE shows you an administrative warrant with an employee's name on it:
 - You do **NOT** have to say if that employee is working on that day or not.
 - You do **NOT** have to take the ICE agents to the employee named on the warrant (even if he or she is at work at the time).
- Do NOT help ICE agents sort people by their immigration status or the country they are from.
- Watch the agents and see if they are complying with what's written in the warrant. If the agents are searching areas not listed in the warrant, object to those searches by voicing your objection and noting it.
- If you or an employee is willing, you should video or record what the ICE agents do at your workplace. You may be able to prove the agents violated your rights or the workers' rights. Save any company surveillance footage taken during the raid.

What if ICE Agents Try to Stop, Question, Detain, or Arrest a Worker?

- ICE agents may try to stop, question, or even arrest a worker without the proper authority.
- The best way for workers to protect their rights is to **stay silent and ask for an attorney.**
- Workers do not have to hand over any IDs or papers to ICE. All workers have this right.
- Any information that workers give to ICE can be used against them later.

Immediately After the Raid

- Write or record these things after ICE leaves:
 - How many ICE agents were present (inside and outside)?
 - How were the agents dressed? How were they armed?
 - Did the agents make you or the workers believe you could not move or leave?
 - Did the agents mistreat anyone? If yes, how?
- Notify the employees' union.
- If ICE arrests any of the workers, ask the ICE agents where they are being taken. This information will help the worker's family and lawyer find the person.

What to Do in an I-9 Audit

When ICE notifies you that there will be a Form I-9 audit, contact an immigration lawyer. **Also notify the workers and, if they have one, their union representative about the audit.**

- The law gives you **3 work days** to produce your I-9 Forms. Do not provide your documents early.
- You have the right to speak to your lawyer before answering questions or signing ICE documents.
- Allow the employees to have coworkers or union representatives present when discussing I-9 audits.
- After reviewing the I-9 forms, ICE may find some employees are not authorized to work. If that happens, ICE will give you 10 days to provide valid work authorization for these employees. If you can't provide the documents by that time, you will be told to end their employment.
- If this happens, you **must** notify the affected workers of the audit.
- Ask ICE for more time. This will give affected workers more time to talk to an immigration lawyer.
- If the workers belong to a union, you may need to provide copies of the audit documents to the union and work with the union as you respond to the audit.

What to Do After an ICE Raid or I-9 Audit

After an ICE raid or I-9 audit, one or more of the workers may face deportation or be unable to return to work. This could impact your business and workers' morale.

Here is what you can do to provide support to the staff and community.

OFFER LEAVE WHILE AFFECTED WORKERS APPLY FOR WORK AUTHORIZATION

- Give affected workers leave while they take care of getting their papers, or allow them to return to their same positions with full seniority and benefits once they provide their authorization papers.

PAY WAGES & BENEFITS PROMPTLY

- Pay workers any wages and benefits they are due.
- Make sure you follow the requirements of federal and state labor laws.

PROVIDE SEPARATION PAY TO WORKERS WHO CANNOT RETURN TO WORK

- Workers who are not able to return to work will need money to support themselves and their families. They may need to pay for legal assistance.
- If you do not have a separation pay policy, consider giving extra funds to workers in this situation.



CONTRIBUTE TO AN IMMIGRATION LEGAL FUND

- An employee facing deportation will need a good lawyer, and may get the option to be free on **bond** until their hearing. That means they can stay with their families and communities during this time.
- They may need your help and their co-workers' help to raise money for the lawyer or bond.
- You can contribute to an immigration legal fund for this purpose. Or you can set one up.

PROVIDE A REFERENCE TO WORKERS FOR FUTURE JOBS

- Let the workers know you can provide a reference to their potential future employers.

STAY CONNECTED TO YOUR COMMUNITY'S IMMIGRATION RESPONSE EFFORTS

- Community organizations and lawyers often organize a response to a workplace raid or other immigration actions.
- A community's response may include fundraising for legal defense and help for an individual's family.
- Employers and workers can find support, guidance, and useful information by staying connected to community response efforts.

BEFORE AN IMMIGRATION ACTION

- ☐ Find a qualified immigration lawyer **now** – before anything happens.
- ☐ Make a written *Response Plan*. Practice your plan with the workers.
Practice what to say, what to do.
- ☐ Provide a Know-Your-Rights training for all your staff.
- ☐ Train your staff:
 - Do NOT run away if ICE agents show up. Running away could give ICE a legal reason to arrest workers.
 - Do NOT give ICE agents permission to enter your workplace.
 - Do NOT answer questions or give any information.
- ☐ You and the workers have the right to stay silent and to ask to talk to a lawyer.
- ☐ Give the workers a list of lawyers or organizations that can provide high quality, free, or low-cost immigration legal advice for them and their families.
- ☐ Connect with an immigration response network in your area.

DURING AN IMMIGRATION ACTION

- ☐ If ICE agents enter a public area of your business, say: "I am the employer. You cannot go to other areas of the workplace without my permission."
If ICE agents try to enter a private area, say: "This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?"
- ☐ Encourage your staff to video or take photos during an immigration action (if they are willing).
- ☐ If the agents have a judicial warrant signed by a judge, ask for a copy and read it. Make a copy if you can. You can still decline to give consent for the search.
- ☐ Watch the agents carefully. Keep track of what they do. See if they are following what is written on the warrant. For example, the warrant may limit the areas the agents can search.
- ☐ If ICE agents try to question you or the workers, remind the workers they have a right to stay silent and to ask for a lawyer.
- ☐ When immigration agents leave, record or write down everything you saw. This will help you remember the details when you talk to a lawyer later.

For more information, contact Jessie Hahn at hahn@nilc.org at the National Immigration Law Center.



THANKS FOR ATTENDING!

QUESTIONS / DISCUSSION ?

