



KEEPING YOU INFORMED

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EMPLOYEE PRIMER: WHAT TO DO IF IMMIGRATION COMES TO YOUR WORKPLACE

Issued for Employer Awareness – Based on Guidance from the National Immigration Law Center

Why This Matters

Immigration and Customs Enforcement (ICE) actions can disrupt your workplace, expose you to legal liability, and create serious stress for your workforce. Employers have rights and responsibilities under federal law, and preparation is critical.

This primer highlights key steps employers should know before, during, and after an ICE action.

Common Types of ICE Actions

1. I-9 Audits

- ICE reviews whether you've properly completed and retained Form I-9s, which verify employees' identity and work authorization.
- Employers must keep I-9s for 3 years after hire or 1 year after termination, whichever is longer.
- Violations can lead to civil and criminal fines.

2. Raids

- ICE may enter worksites as part of an investigation. Agents may wear uniforms marked "Police" or "Federal Agent."
- Without a "judicial warrant" signed by a judge, ICE cannot enter private areas of your business.

3. Detention of Specific Workers

- ICE may come looking for a particular employee but may also question or attempt to arrest others while on-site.

Preparing Before ICE Arrives

- Develop a Written Response Plan: Practice what managers and employees should do if ICE comes—similar to a fire drill.
- Train Your Staff: Employees should not interact with ICE or give permission to enter. Instead, they should refer agents to the employer.
- Mark Private Areas: Use signs ("Private"), keep doors closed/locked, and enforce access policies. This helps protect areas from unauthorized entry.
- Know Your Rights: A judicial warrant is required for ICE to enter private work areas. ICE may present an administrative warrant (Forms I-200 or I-205 from DHS), but it does not authorize entry into private areas without your permission.

What to Do During an ICE Visit

- Stay Calm and Professional: Avoid panic or running to exits.
- Request to See the Warrant: A valid judicial warrant must say "U.S. District Court" or a state court at the top. Even if agents present one, you may decline to consent to a search.
- Limit Access: Agents cannot lawfully search areas not listed in the warrant. Object and document any overreach.
- Record the Encounter: Video or take notes of what agents do. Save surveillance footage if available.
- Remind Workers of Their Rights: All workers have the right to remain silent and request an attorney. They are not required to provide documents to ICE.

After ICE Leaves

- Document the Incident: Record how many agents were present, what they did, and whether they complied with the warrant.
- Notify Employees and Unions: Workers should be informed of what happened, especially if ICE arrests or questions employees.
- Comply with Wage and Labor Obligations: Pay all earned wages and benefits promptly, even for workers who cannot return.
- Support Your Workforce: Consider providing leave while employees resolve work authorization issues or offering separation pay if return is not possible.
- Contact Legal Counsel Immediately: Consult an immigration attorney before responding to ICE notices or signing documents.

Key Takeaways for Employers

1. Plan Ahead – Have a written response plan and train staff.
2. Protect Private Areas – ICE cannot enter without a judicial warrant.
3. Stay Professional During Encounters – Do not obstruct, but do not volunteer information.
4. Know Your Legal Obligations – Promptly pay earned wages and comply with labor laws.
5. Seek Legal Counsel – Always consult with an immigration attorney when ICE contacts your business.

This primer provides general information. For tailored guidance, you may contact [Jenny Holt Teeter](#) or [Brianna C. Cook](#).