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What to do if ICE visits your workplace

DISCLAIMER

**THIS IS NOT
LEGAL ADVICE**



THIS IS A TRAINING

Agenda

Basics regarding rights of all people

ICE enforcement in your workplace

- ❖ Arrests
- ❖ Searches
- ❖ Prohibition on interfering with ICE enforcement
- ❖ Be a witness

Q&A



Know Your Rights

Everyone in the United States - regardless of immigration status - has certain basic rights under the United States Constitution

Constitutional Rights Everyone Enjoys

4th Amendment right to be free from unlawful searches and seizures

Law enforcement cannot enter home/private workspace without judicial warrant

5th Amendment right not to incriminate oneself

1. Right to remain silent

2. Due process

3. Refuse to sign documents

6th Amendment right to counsel when arrested

In criminal proceedings (but immigration is civil)

The Right to Remain Silent

Choose

Choose not to speak at all

Refuse

Refuse to answer questions until you've had a chance to consult with an attorney

Decline

Decline to share information about birthplace or manner and circumstance of entry into the United States

Carry

Carry a "Know Your Rights" card and provide it to immigration officers if you are stopped

Know your Rights

You can distribute to your co-workers and the public.

Usted tiene derechos constitucionales.

- NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACION ESTA TOCANDO A LA PUERTA.
- NO CONTESTE NINGUNA PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACION SI EL TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse callado. No tiene que dar su nombre al agente. Si está en el trabajo, pregunte al agente si está libre para salir y si el agente dice que sí, váyase. Usted tiene derecho de hablar con un abogado.
- ENTREGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.



I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

KNOW YOUR RIGHTS!

If you are stopped by immigration or the police:

- ✓ Hand this card to the officer, and remain silent.
- ✓ The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.

To: Immigration or Other Officer

Right now I am choosing to exercise my legal rights.

- I will remain **silent**, and I refuse to answer your questions.
- If I am detained, I have the right to contact an attorney **immediately**.
- I refuse to sign anything without advice from an attorney.

Thank you.

Why Remain Silent?

Unfortunately, sometimes during raids, immigrants will admit or provide information that suggests or shows that they are undocumented.

ICE will use this information as a legal basis to:

- ▶ Stop and question the immigrant;
- ▶ Arrest the immigrant;
- ▶ Prove that the immigrant is removable.



Documents to Carry

Know Your Rights card!

Valid documents showing US residence or lawful status.

- These documents include COPIES of:
- Green card
- Proof of asylum status
- Proof of pending immigration applications
- Proof of 2 years of residence

Legal contact, emergency contact

Do not carry documents from foreign countries (consular ID card or other ID of a different country)

Do not carry false documents. They can result in criminal charges that lead to removal.

California Values Act (SB 54)

The California Values Act (SB 54) prohibits local law enforcement from using its resources for immigration enforcement, with limited exceptions.

Local law enforcement (police/sheriff) cannot:

- Ask about your immigration status
- Share your personal information (e.g., home/work address) with ICE unless that information is already available to the public
- Provide office space in their facility only for ICE's use
- Make or intentionally participate in arrests based on civil immigration warrants
- Perform the functions of an ICE officer in any manner
- Use immigration officers as interpreters during their own investigation

ICE on the Street

Without an arrest warrant:

ICE can ONLY stop and detain a person if they have reasonable suspicion

- ▶ Reasonable suspicion: specific, articulable facts suggesting a person might be undocumented

ICE can ONLY arrest a person if they have probable cause that they are undocumented

- ▶ Probable cause: facts and circumstances that would lead a reasonable person to believe they are undocumented (e.g., person admits to being undocumented)

Judicial Warrants *in the Home*

SEARCH WARRANT

Gives ICE permission to enter home and space immediately around home

Does not give right to arrest, UNLESS probable cause, e.g.

- ▶ Immigrant admits being undocumented;
- ▶ Witness/family report

ARREST WARRANT

Gives ICE permission to arrest specific individuals listed on the warrant

ICE can enter to arrest the individual if there is probable cause that the individual is there

Judicial warrant for arrest

AO 92 (Rev. 11/01) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

United States of America
v.

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) _____ who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Date: _____

Arresting officer's signature

City and state: _____

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

Administrative warrant for arrest

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/10)

Resources

Immigrant Legal Resource Center

<https://www.ilrc.org/>

(Check out their wonderful Family Preparedness Plan!)

Coalition for Humane Immigrant Rights

<https://www.chirla.org/>

A photograph of an ICE raid. In the foreground, a person is being escorted by two officers. One officer is wearing a dark uniform with 'POLICE ICE' on the back. In the background, a large circular seal of the U.S. Department of Homeland Security is visible, with 'U.S. DEPARTMENT OF' and 'HOMELAND SECURITY' around the perimeter. The word 'RAIDS' is written in large, semi-transparent letters at the bottom of the image. A watermark 'SouFloTV' is visible on the seal.

ICE RAID

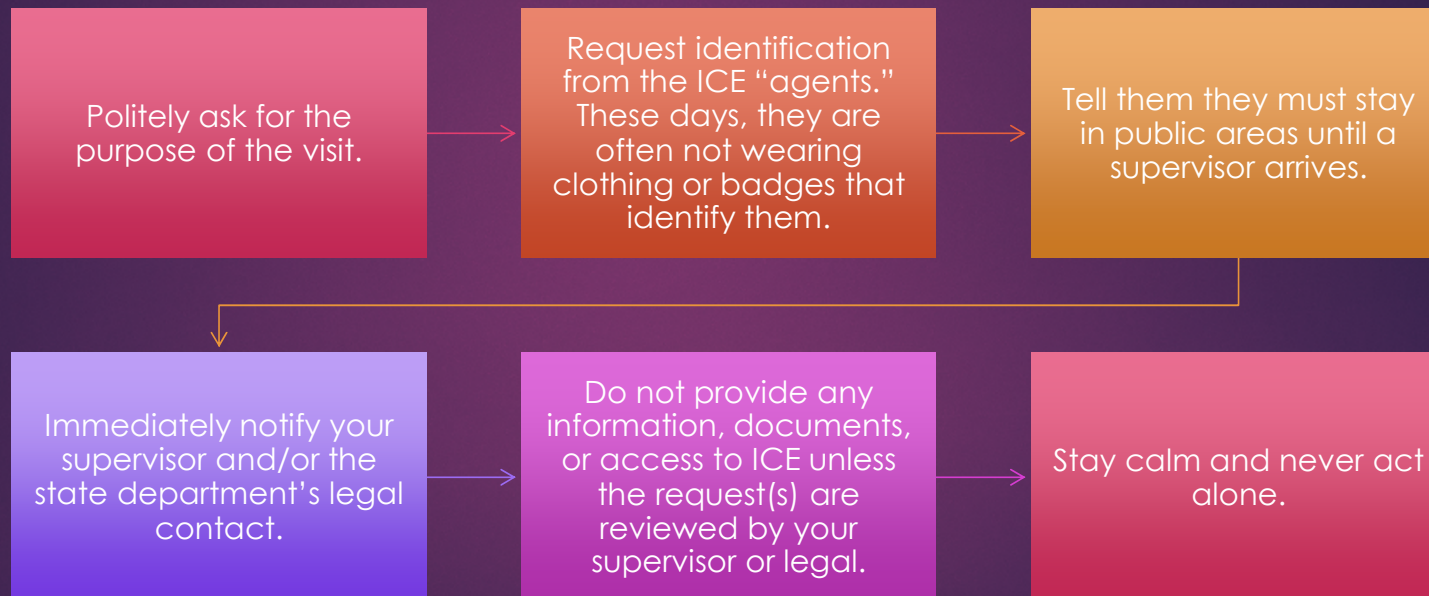
AT WORK?

HERE'S WHAT YOU MUST

DO!

RAIDS

ICE agents visiting a state agency



Public areas v. non- public areas

ICE may enter public areas (e.g., parking lots, lobbies) without a warrant.

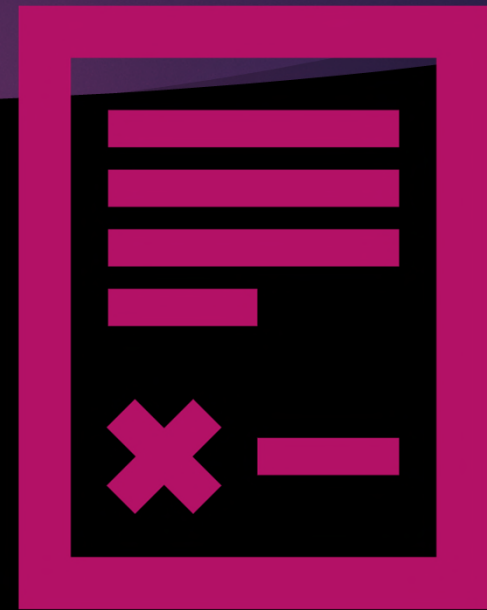
Do not interfere with them being in those public spaces. Doing so may result in federal penalties.

You are welcome to ask them questions, however. Asking questions is not interference.

If they are being disruptive or intimidating, tell your supervisor and develop a plan together for asking ICE to leave.

Access to Non-Public Areas

- ▶ ICE may not enter non-public spaces without a valid judicial warrant or your department's legal approval.
- ▶ Politely inform ICE of this policy.
- ▶ Notify your supervisor and the department's legal advisor immediately.
- ▶ If ICE claims it needs access due to "exigent circumstances," you may need to allow them to enter. But do not make that decision alone or give consent.



Employee and Public Rights

You have the right to remain silent and not share your personal information if asked.

Inform others who are present (staff, members of the public) that they have the same rights.

Do not hide people, allow them out a side door, provide false information regarding immigration status, or destroy documents.

Even perceived "obstruction" can lead to a federal prosecution.

Do not assist with an arrest

It is not your responsibility to assist ICE with arrests:

- ▶ Do NOT call ICE to report a member of the public.
- ▶ Do NOT assist ICE “agents” with the arrest of an immigrant in any way.
- ▶ Do NOT lay your hands on anyone.
- ▶ Do NOT help ICE block exits or otherwise prevent escape.



Honor your department's confidentiality policies

- ▶ Protect confidentiality of patients', taxpayers', benefit applicants', etc. personal or immigration information.
- ▶ All document requests should be referred directly to the department supervisors and legal counsel.
- ▶ If your supervisor is not present when ICE asks you for this information, you have a duty to safeguard the non-public information.



If a federal “agent” shows up claiming to have a search warrant

You should verify that the “agent” has a judicial warrant issued by a court and signed by a judge.

- ▶ It should list the location to be searched.



If a federal “agent” shows up claiming to have a search warrant

You are not required to consent to search based on an administrative warrant, which is a warrant issued by a government agency and not a warrant from a court signed by a judge.



If a federal “agent” shows up claiming to have a search warrant

Ask for a copy of the warrant and the supporting affidavit (you may not be given the supporting affidavit, but you should request it).

- ▶ Your supervisor and legal counsel must review this document before you respond.



Judicial Warrant



AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

District of Maryland

1. Issued by a Court

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

Case No.

2. Labeled "Federal Arrest Warrant"

SEARCH AND SEIZURE WARRANT or

"Search and Seizure Warrant"

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the
of the following person or property located in the District of
(Identify the person or describe the property to be searched and give its location):

3. Confirm the **name of the person** identified. **Make sure it is spelled correctly.** There may also be extra pages with more information called **attachments.**

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

for _____ days *(not to exceed 30)* until the facts justifying the later specific date of _____

4. Judicial warrants are **signed by a judge.**

Date and time issued: _____
Judge's signature

City and state: _____
Printed name and title

This is issued by DHS, NOT a court

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: _____

NOT

VALID

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of _____ databases that affirmatively indicate, by themselves, or in addition to _____ information, that the subject either lacks immigration status or _____ status is removable under U.S. immigration law; and
- statements made voluntarily by _____ immigration officer and/or other reliable evidence that _____ subject either lacks immigration status or _____ under U.S. immigration law.



NOT A VALID SEARCH WARRANT

SMILE

Signed by an immigration officer, NOT a judge

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

This is an ICE administrative warrant. It does NOT authorize investigation agents to enter your home!

Form I-209 (Rev. 09-14)

Importance of Collecting Evidence

What kind of evidence to look out for during/after law enforcement actions:

- Record the details of the scene; any statements made.
- Note the number of ICE “agents,” their badge numbers, and their car plates.

Video-recording – Great video! <https://www.wehaverights.us>

- You can record and take pictures
- At some worksites, you may need permission from the department
- But do not interfere
- But warning that ICE can become agitated or target the recorder
- Comply with ICE instructions and do not obstruct
- Right to privacy in phone: does not extend to Face ID and fingerprint

Recording and Reporting

Record

Record the:

- Date and time of the ICE visit
- Names and descriptions of "agents" involved
- Nature of the request (i.e., search for documents)

Submit

Submit a report to your supervisor, legal and personnel office

Follow

Follow any additional state reporting requirements

Ongoing training and support

- ▶ Departments are required to train State employees on ICE protocols
- ▶ Ask your Union Representative or department Human Resources for more training, if needed

Summary

1. Stay calm, follow protocols, and escalate issues to a supervisor.
2. Never act alone. Always consult your supervisor and the department's legal advisor.
3. Your Union is here to support and protect you.



Questions and Answers