



# Immigration or other law enforcement is at the door!

## As a business or a nonprofit, what are my rights and responsibilities?

Knowing your rights and responsibilities if immigration enforcement or other law enforcement officials appear at your facility, office, or workplace can help keep your workplace safe. Here's what to do.

AUTHORIZED PERSON

### 1. Ask if they have a warrant.

● **IF YES:** An authorized person should double-check the warrant. Reference your written policy and alert the **authorized person** listed above. If law enforcement is outside, have the authorized person go outside to speak with them. Ask the officers to remain in public areas, away from clients, customers, or staff.

● **IF NO:** Do not release any information without a judicial warrant. Tell them they are not authorized to enter non-public spaces without a warrant. **See key phrases.** →

**TIP!** You can remain silent after saying "I do not want to answer any of your questions" or "If you're not free to leave, I do not want to talk to you until I speak with a lawyer."

#### KEY PHRASES

I do not consent to your entry.

I am not authorized to speak with you.

Am I free to go?

Am I being detained?

I do not give you permission to search me or our office.

Do you have a judicial warrant? Pass it under the door.

### 2. If they present documentation, verify what kind.

Without consent, agents may enter non-public spaces only if they have a **judicial warrant** or are subject to a limited exigent circumstances exception. However, they sometimes arrive and present **different types of documents.** →

● **IF THE OFFICERS DO HAVE A VALID JUDICIAL WARRANT:** The authorized people should verify the type of warrant, ensure the search remains in the boundaries authorized by the warrant, and accompany them during the search.

● **IF THEY DO NOT HAVE A JUDICIAL WARRANT:** **See key phrases.**

**TIP!** Object to a search of areas outside the boundaries authorized of the warrant, but do not physically block officers or interfere. Do not help agents sort people by immigration status or country of origin.

#### TYPES OF DOCUMENTS

##### ARREST VS. SEARCH WARRANTS

An **arrest warrant** authorizes officials to detain or arrest someone. A **search warrant** authorizes officials to enter and search designated areas specified on the warrant.

##### ADMINISTRATIVE VS. JUDICIAL WARRANTS

An **administrative warrant** is issued by the U.S. Department of Homeland Security, Department of Justice, or other federal government agencies, not courts. An **administrative warrant** may be valid to arrest someone while in public, but would not allow an official to enter private areas. A **judicial warrant** could be for an arrest or a search, and would be issued by a United States federal district or magistrate court, and signed by a judge. It will specify who or what is to be arrested or searched.

##### OTHER POSSIBLE DOCUMENTS

It is possible that they will present other documentation such as an Order of Removal, a Subpoena, or other court order. **None of these documents permit them to enter private areas immediately.** Read the documentation carefully, document how and when it was received, and consult an attorney before taking action.

### 3. Document the encounter.

- ☐ Film the interaction on your phone or take detailed notes.
- ☐ At a safe distance, record the agents, not staff, clients, or customers.
- ☐ Say out loud that you are recording and maintain a safe distance away.
- ☐ If you are asked to back up, do so but continue recording.
- ☐ Save the recording or notes in a secure location and share them with your lawyer.
- ☐ If the officers take documents or items, ask to photocopy them first.

#### WHAT SHOULD I DOCUMENT?

Date, time, warrants, and documents

What they did (any arrests made, people they spoke to, items taken, etc.)

Number, names, and badge numbers of officers (take photos of credentials)

Names and contact information of any witnesses

**TIP!** For more information about understanding and responding to warrants and other documents, please see the California Department of Justice and Labor Commission's Office [Guidance on Warrants and Subpoenas](#).

## What else should I know?

**STOP!**  
This is a private space  
for employees only.

TIP! Post a sign to designate a non-public area where agents cannot go without the proper warrant.

### YOUR RIGHTS

Everyone has constitutional rights to: remain silent, ask for identification, document and record interactions, deny entry without a judicial warrant, and ask for supporting documentation.

## What is an I-9 audit?

An I-9 audit is when ICE checks that your employees are authorized to work in the US.

There will be a **Notice of Inspection** by mail or in-person. You will have three business days to comply with the requests made in the notice.

The notice will specify what documents you need to show the officers, for example a list of your employees, business licenses, and the I-9 documents.

If an inspection occurs at your workplace, officers may be suspicious if they see more workers on site than were listed on your I-9 or if they see workers paid in cash. They do not need an additional warrant to access I-9s if they properly serve the **Notice of Inspection**.

If ICE finds technical errors in your I-9 forms, you have 10 days to make corrections. For more information, see Public Counsel's [workplace authorization guide](#).

## What to do in the event of an I-9 audit:

1. Contact a lawyer or legal service provider as soon as you receive a Notice of Inspection.
2. You have three business days to respond to the Notice, do not waive this timeline. Give yourself time to gather the appropriate documents to comply with the notice.
3. If officers arrive in person, let them know that authorized personnel will deliver the requested information in person to the appropriate immigration office so they can review the I-9 forms outside of your office. Do not consent to their entry into non-public areas.
4. Do not consent to the immigration officials speaking with employees.
5. Ask them to wait outside if they lack a valid and signed judicial warrant. If the officers insist upon entering, arrange for an inspector to be accompanied at all times. Permission to enter does not mean permission to ask employees about their right to be in the United States.
6. Only give the immigration agents the information they've requested. Keep important I-9 documents separate from other confidential staff or client information.
7. If you are in California, you are required to post a notice of inspection for employees to see within 72 hours of receiving a Notice of Inspection. You must also let employees know if their work authorization has been flagged by immigration officials. See the [AB 450 FAQs](#).

## Privacy

Immigration and law enforcement officials may be in any area that is "public."

An area is "non-public" if you have a reasonable expectation of privacy in that space. For example, the public sidewalk and a space like a lobby where members of the public can come and go freely are considered "public."

Immigration and law enforcement must have a judicial warrant to enter non-public spaces like your bathroom, your home, or private areas of an office. Consent is an exception to the warrant requirement, so if staff or others give the officers consent to enter, they may do so.

To indicate a space is non-public, place signage such as "Restricted Area: Employees Only" or "Authorized Personnel Only" on the door to an area. Staff and clients should also be sure to respect these signs and only allow authorized personnel in those spaces.

## Data Protection

Only store and request information with a specific business need. Try to avoid collecting data that indicates immigration status whenever possible. If immigration or law enforcement appear with proper documentation, client information (like SSNs or ITINs) may be at risk. The "plain view rule" allows officers to seize any document that is visible to them from an area where they are authorized to be, that appears to be related to a crime or their investigation. For that reason, staff should keep important or private documents away from view. Digital files should be encrypted, password protected, have dual-factor authentication, and have limited access. Physical files must be protected with locks in a safe location. Have a written policy about information disclosure.



More detailed information can be found on our website. Scan the QR code or visit [bit.ly/iceinteractions](https://bit.ly/iceinteractions).