

CHEAT SHEET

What to do When ICE Shows Up

- 🔑 **CONFIRM THEIR IDENTITY:**
Ask for business cards and call the agency to confirm the investigators' identities.
- 🔑 **ICE CONDUCTS BOTH RAIDS AND AUDITS:**
RAID: Requires a search warrant unless you are within 25 miles of the U.S. border, the investigators are in 'hot pursuit' of an illegal immigrant, or the property is not being used for agricultural purposes. No advance notice is required for a raid.
AUDIT: Typically takes the form of a Notice of Inspection (NOI). Requires 72 hours advance notice in writing. A subpoena does not circumvent this requirement.
IMPACT OF AB 450: TELL EMPLOYEES! Post notice about any I-9 inspection within 72 hours of receiving notice of the inspection. The notice must include: A. The name of the immigration agency conducting the inspection; B. The date the employer received the NOI; C. What the inspection is for if the employer knows; and, D. A copy of the NOI.
- 🔑 **STAY CALM AND COOPERATE AS REQUIRED BY LAW. ACCOMPANY ICE OFFICERS ON THEIR SEARCH AND TAKE NOTES OF EVERYTHING THAT OCCURS.**
IN A RAID: The warrant identifies the location to be searched and the items or individuals to be seized, and agents are not entitled to search outside of this scope. Do not hide employees, advise them to run, or help them escape the premises.
IN AN AUDIT: Produce only the I-9 forms for inspection, other requests require a valid subpoena. Sequester the ICE agents to limit their access to the business.
- 🔑 **CORRECTING I-9'S: DO NOT ATTEMPT TO RUSH CORRECTIONS PRIOR TO AN AUDIT.**
Regulations allow 10 business days after notification of a technical error on the I-9 to correct the error. If an I-9 is missing, then immediately have the employee complete an I-9. Never back date an I-9!
- 🔑 **KNOW YOUR RIGHTS.** Cooperation is important, but no one is required to answer questions from ICE. Consult with an attorney before giving agents access to employees or management, and remember that you have the right to continue business operations during the ICE visit.

BUILT FOR EMPLOYERS

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