

## Instructions for Employers

### Do This Now:

1. Compile your I-9 forms and supporting documents in one place, separate from other personnel files. Consider doing an I-9 self audit with the assistance of your attorney.
2. Instruct your employees on what to do in the event of an ICE raid.
3. Clearly designate private areas of the business.
4. Create a succession plan.
5. Retain an attorney to have on hand should the need arise.

### Do This In The Event Of An ICE Raid:

1. Stay calm and professional. Do not argue, lie or run.
2. Remember that no matter how friendly ICE may appear, anything you say can be used against you..
3. Tell agents:
  - a) You do not consent for them to enter the premises;
  - b) They must wait in a designated public area while you contact your attorney.
4. Call your attorney and let him/her know what is happening.
5. Call the Rapid Response Team Hotline at 1-888-622-1510 to inform them of the raid.
6. Take photographs of any documents agents show you, and send them to your attorney.
7. If the agents say they have a warrant, check to see if it is valid. It needs the correct address, the court name, a judge's signature, date of issuance within 14 days, and a description of places to be searched and items to be seized.
8. Write down the names, government agencies and badge numbers of all agents.
9. Take photographs and video of what the agents do from a distance of 10 feet.
10. Do not do anything that could be considered harboring, such as hiding employees, aiding in their escape, providing false or misleading information, or shredding documents.
11. Document all items seized, areas searched, and whether ICE officers harassed or intimidated you or your employees.
12. Remember your personal rights:
  - a) YOU HAVE THE RIGHT to remain silent. Tell the agent you wish to remain silent or give the agent your "Know Your Rights" card.
  - b) YOU DO NOT HAVE TO:
    - i) Answer questions verbally or nonverbally;
    - ii) Answer any question about your place of birth or immigration status;
    - iii) Show any immigration documents; or
    - iv) Consent to a search of yourself or your belongings.
  - c) YOU HAVE THE RIGHT to a lawyer. If you don't have one, ask for a list of low-cost legal services.
  - d) YOU HAVE THE RIGHT to contact your consulate or have an officer tell the consulate of your arrest.



For informational purposes only, and not for the purpose of providing legal advice. Contact your attorney to obtain advice with respect to any particular issue or problem. Use of and access to these materials does not create an attorney-client relationship with the Small Business Legal Clinic. Small Business Legal Clinic. [https://law.lclark.edu/centers/small\\_business\\_legal\\_clinic/](https://law.lclark.edu/centers/small_business_legal_clinic/)

- e) DO NOT
  - i) carry or provide fake documents or false information;
  - ii) carry documents that identify your country of origin;
  - iii) try to resist;
  - iv) discuss your immigration status with anyone but your lawyer; or
  - v) sign anything or make decisions without a lawyer.
- f) READ all papers fully. If you don't understand or cannot read the papers, ask for an interpreter.
- g) KNOW your immigration number ("A" number) and give it to your family so they can locate you.
- h) WRITE DOWN everything you remember, including officers' badge and patrol car numbers, if you feel your rights have been violated, write down. Get contact information for witnesses. Seek medical attention immediately if you're injured and take photographs of your injuries.

Do This If ICE Arrests An Employee:

1. Ask for the name, location and phone number of the detention facility where the employee(s) will be held. You can find contact information for detention facilities and ICE field offices on the ICE website.
2. Take down as much identification information as you can about the ICE officers who were at the raid.
3. After being arrested, immigration detainees are often transferred to another location, even within hours of being arrested. If you call the detention center identified by the ICE officer and are told the person is not there, ask where they have been sent.
4. Document phone conversations and the identification of the officer with whom you spoke.
5. Contact your attorney for assistance locating detained employees.
6. Keep in contact with the family.
7. Because it is not a good idea to have your own attorney represent your employees, ask your attorney for help finding other experienced immigration attorneys. See also the list compiled by the National Immigration Legal Services Directory at <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
8. Keep in touch with the family of your detained employees so that you know what's happening and what you can do to help.
9. Consider paying the bond for detained employees so that they may be released pending their deportation proceedings. You will get most or all of your money back provided the employees show up for court dates. Paying the bond allows the detained employees to spend time waiting for a court hearing with their families rather than in a detention center. It can be years before a court hearing. Also, the longer an employee remains detained, the greater the likelihood that the employee in custody will be threatened and intimidated in order to provide adverse information against a company in exchange for work permits, or an agreement not to prosecute them for identity theft or other related crimes.
10. Offer to work with the employee's immigration attorney to request a hearing to have the amount of the bond lowered.
11. Ensure that you have paid the employee all amounts due.

