



ICE Raid Response Plan Toolkit

provided by California Employers Association & Cascade Employers Association



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Increased Immigration Enforcement

Given increases in Immigration and Customs Enforcement activity nationwide, some employers are worried about how to prepare should an agency like Immigration and Customs Enforcement (ICE) raid their business. Fortunately, there are some steps employers can take to help mitigate some of the disruption, such as creating an ICE-Raid Response Plan and training staff. This toolkit outlines options for employers to proactively prepare for a visit from an immigration agency, like ICE. It also includes a comprehensive Response Team Checklist.

Create a Team

One critical step is to create a “response team” in the event of an ICE visit. **It’s important to remember that not everyone is comfortable dealing with law enforcement.** ICE agents may arrive at locations wearing face coverings, body armor and carrying firearms. That is why it is important to have an open, honest discussion with your key personnel to identify who is up for the task. The response team may include Human Resources, Senior Management and/or legal counsel. Typically a receptionist or front office staff would be the first to encounter an agency. In this case, it is up to you to make sure the person is comfortable making initial contact and adequately trained in your procedures to set your process in motion.

If possible, **employers should consult with legal counsel before an encounter to integrate them into the response team.** Even if legal counsel is not present onsite in the event of a visit, they can still play a significant role. If you choose to do so, you can designate your legal counsel as your representative for interacting with ICE or DHS agents. In order to do this, you should have a completed [form G-28](#) on hand. This document notifies the federal agency that an attorney represents you/your business and directs them to communicate with your legal counsel.

Once you determine your team, you should establish roles for all those involved. Some questions to consider include:

- Who will be the main point of contact for communication with ICE?
- Who will accompany ICE while they are in the office or other public areas?
- Who will accompany ICE if they have a valid judicial search warrant to ensure they do not go into areas not authorized by the warrant?
- What role, if any, will legal counsel play and who will contact them in the event of a visit?
- If legal counsel is not onsite, who is in charge of contacting them?
- Who will communicate to the rest of the team that ICE is present?

Team members should also receive training that corresponds with their roles. For instance, if a leader is going to be the point of contact for ICE they should ask the agents to identify themselves by giving their names and badge numbers as well as the purpose of their visit.

In addition, the representative should be able to identify proper documentation. This means knowing how to differentiate between [administrative warrants](#), [judicial warrants](#), [subpoenas](#), etc. as well as what, if any, access to private areas those documents grant. Employers should understand their Fourth Amendment rights, which protect against unreasonable searches. Employers may refuse ICE access to nonpublic areas or employee records without a valid judicial warrant or subpoena. [Oregon’s Sanctuary Promise Act](#) further limits state and local involvement in federal immigration enforcement and reinforces that ICE generally needs a judicial warrant to enter private areas of a workplace.



Policies: Protect your Business

Once you assemble your leadership and response team the first thing you should determine is how you will respond to a visit by ICE. Some factors to consider are:

- How much of a disruption will the search cause your business?
- How prepared are you for an inspection?

Employers can begin by examining their existing policies. For instance, a policy restricting non-employees from entering certain areas of the facility can also be applied to visitors from federal agencies. Employers should make sure that the policy is acknowledged and understood by all employees and members of the management team, and that all restricted areas are clearly labeled.

Without a valid judicial warrant, ICE agents cannot enter nonpublic areas of a business. Keep in mind this applies to any restricted area, indoors or outdoors, so if there are any outdoor work areas or employee-specific parking areas they should also be clearly labeled to deter any unauthorized trespassing and keep your employees safe.

Having a visitor sign-in policy may also be an option for some organizations, especially those where some positions are not customer-facing. This would require anybody who enters the public areas to identify themselves and record the reason for their visit. The sign in process can also help to funnel any outside visitors to the person trained to respond to any legal inquiries.

Employers should also examine their visitor policy and narrow down who can permit visitors into restricted areas. If your organization has a policy outlining who should be notified in the event of a visit and narrowing down who is allowed to authorize access to restricted areas, then all members of management can be made aware of the proper procedures and expectations. It would also give management a tool to redirect any agency to the appropriate company representative.

Communication is Key

Once you determine who will fill the roles and create new policies (or modify existing ones) you should communicate this to the rest of your team. Some methods you can use include:

- Memos
- Training sessions
- Town-hall style meetings
- Posting information such as policies, procedures, contact numbers, flow charts, etc.
- Conducting a mock or “drill” ICE-raid with the assistance of legal counsel

It is important for everybody involved in the response team to know their roles and to assign backups in case a person is not present on the day ICE arrives. You can also establish point people or train your supervisors so employees can communicate any concerns, ideas or other feedback related to the issue.

Maintaining control of the situation when ICE arrives at your location is also necessary to help reduce the disruption to your business and keep your employees safe. If anybody tries to flee the scene, regardless of the purpose of the visit, this may give ICE agents a basis to apprehend them while they investigate the reason they fled. There also poses the risk of physical harm as there have been [reports](#) of employees trying to flee who sustained fatal injuries.



To help prevent panic amongst workforces, employers can implement communication methods to help alert employees to a visit. If you have work in areas where the public is not allowed, you can designate a member of the response team to alert supervisors about the situation. The process would be similar to a phone tree where the designated person shares information with a supervisor and they pass that information on. You can relay the nature of the visit so it can be shared with employees. For example:

- If ICE arrives with only a Notice of Inspection to request I-9s you could alert supervisors you have a “code green”
 - Employers should also be prepared to comply with Oregon law requiring written notice to employees within 3 business days of receipt of a [Notice of Inspection](#) of I-9 forms or other employment records by an immigration agency.
 - The written notice must be:
 - Posted in a conspicuous and accessible location, in English and in the language typically used to communicate with employees.
 - Individually distributed to employees, with reasonable efforts to provide it in their preferred language.
 - Include specific content, such as:
 - A copy of the federal agency’s Notice of Inspection
 - The date of the inspection
 - The scope of the inspection (if known)
 - A telephone number for a BOLI-prescribed immigrant and refugee workers’ rights hotline
- If ICE arrives with an administrative warrant and are denied entry, you could call it a “code yellow”
- If ICE arrives with a signed judicial warrant and will enter the facility, you could call it a “code red”

CODE GREEN Alert supervisors you have a **CODE GREEN** if:
ICE arrives with only a Notice of Inspection to request I-9s
Employers should also be prepared to comply with Oregon law requiring notice to employees within 72 hours of receipt of a Notice of Inspection of I-9 forms or other employment records by an immigration agency.

CODE YELLOW Alert supervisors you have a **CODE YELLOW** if:
ICE arrives with an administrative warrant and are denied entry

CODE RED Alert supervisors you have a **CODE RED** if:
ICE arrives with a signed judicial warrant and will enter the facility



You can break the communication down even further if the warrant is limited to a certain area of your facility. For instance, if the judicial warrant only allows entrance to a specific area of your facility you can share that information.

Letting employees know the reason behind the agents' presence may allow them to make rational decisions instead of reacting out of fear. Be cognizant that an employee's nervousness or desire to avoid any interaction with the agents may have nothing to do with their legal status.



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ICE Response Team Checklist

This checklist is to help you create the team that will respond to an ICE visit as well as identify who is responsible for procedures you put in place.

Your leadership team should participate in the formation of the team and development of any processes, procedures and policies.

RESPONSE TEAM MEMBERS

(Include outside legal counsel if applicable)

Team Member Name

Job Title

ROLES

(include backups to cover absences)

Will outside legal counsel or another outside party be the primary representative dealing with ICE? Yes No

If yes, do you have a [G-28](#) for on file? Yes No

Who is the primary point of contact for ICE: _____

Secondary/backup point of contact for ICE: _____

Who will contact legal counsel (if applicable) _____

Who will alert team ICE is onsite? _____

Who will monitor ICE during an inspection? _____

Who will record visit information? _____



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Record the following information: (# of agents, agencies onsite, names, badge numbers, business cards, reason for visit, make copies of documentation provided by agents, obtain receipts for records seized, document if agents were abusive or mistreated anyone, etc.)

POLICIES

(Include Administrative and Engineering controls)

Are all “restricted” or “Employee Only” areas clearly labeled? Yes No
(Including breakrooms, offices, work areas, parking lots, etc.)

Do you have a sign-in procedure for visitors? Yes No

Who can authorize visitors to enter restricted areas? Only: _____
 Any Manager
 Any Employee

Do you have an area where ICE agents can wait while you review documents or contact legal counsel? Yes No

If so, where? _____

Who will accompany or monitor ICE while they wait? _____

COMMUNICATION

(Internal/External)

Do you have a way to inform employees that ICE is onsite? Yes No

If so, what methods will you use?

Do you have a flow chart/phone tree for internal communications? Yes No
(attach if you have one)

Is your employees contact information up to date? Yes No

Is your employees emergency contact information up to date? Yes No



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Definitions

Notice of Inspection (NOI)—A written notice informing the owner, designee, senior management official, or registered agent of the business entity of an inspection of the employer’s I-9 Employment Eligibility Verification forms. Employers will generally receive a written NOI at least 72 hours before the inspection. The notice can be delivered in person or by certified U.S. mail, return receipt requested. **REMEMBER:** [Oregon law](#) requires employers to notify all affected employees within three business days of receiving the NOI, regardless of the inspection date.

Administrative Warrant—A formal written document issued by a federal agency, such as DHS (Department of Homeland Security) and signed by an “immigration judge” or an “immigration officer” authorizing law enforcement officers to make an arrest or seizure. A law enforcement agent who has only an administrative warrant *may not* conduct a search based on the warrant though, in some circumstances, the warrant would authorize a seizure or arrest.

Judicial Warrant—A formal written order issued by a Judicial Court, such as a “Circuit Court of Oregon” or a “U.S. District Court”, and signed by a judge or magistrate judge authorizing a law enforcement officer to make an arrest, a seizure or conduct a search. Judicial orders must be complied with and there are consequences for refusing to comply with a judicial warrant. A warrant signed by an *immigration judge* is *not* a judicial warrant.

Resources

National Immigration Law Center

- [Warrants and Subpoenas: What to Look Out for and How to Respond](#)

ACLU of Oregon

- [ICE Rapid Response Plan](#)

Oregon Department of Justice

- [Immigration Services and Support Resources](#)



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