ICE Workplace Response Policy

Purpose

To protect the constitutional and statutory rights of all employees, ensure compliance with labor and immigration laws, and establish clear procedures for responding to Immigration and Customs Enforcement (ICE) actions at the workplace.

Scope

This policy applies to all managers, supervisors, and employees of [Company Name], at all worksites, including offices, warehouses, and remote sites.

Legal Foundation

• Fourth Amendment: ICE cannot enter private areas without a judicial warrant.
• Immigration and Nationality Act (INA): Requires Form I-9 compliance but provides protections for employers and employees.
• National Labor Relations Act (NLRA): Protects concerted activity, including immigrant workers.
• OSHA & Wage Laws: All employees, regardless of immigration status, are protected by workplace safety and wage laws.

Definitions

• Judicial Warrant: Signed by a federal or state judge, titled 'U.S. District Court' or similar. Required for entry into non-public areas.
• Administrative Warrant (I-200/I-205): Signed by DHS/ICE, not a judge. Does not authorize entry into private areas.
• Public Areas: Lobbies, reception, open dining spaces.
• Private Areas: Offices, kitchens, warehouses, employee-only zones.

Preventive Measures

• Post clear 'Private Area – No Entry Without Judicial Warrant' signs.
• Maintain accurate Form I-9 records as required by law.
• Provide Know Your Rights training to all staff.
• Identify and train a Response Coordinator (usually HR or Legal).

Staff Protocols

Frontline Employees:
- Do not grant ICE access beyond public areas.
- Say: 'I cannot give you permission. You must speak with my employer/manager.'
- Stay calm; do not run, sign, or volunteer information.

Supervisors/Managers:
- Politely request to see the warrant.
- Verify if it is judicial (signed by a judge) or administrative (not valid for entry).
- If judicial, comply only with the scope stated in the warrant.
- If administrative, deny access to private areas.

During an ICE Visit

1. Notify the Response Coordinator immediately.
2. Ask for identification and a copy of the warrant.
3. Record details: names, badge numbers, time, and actions.
4. Do not disclose employee schedules, immigration status, or documents without legal review.
5. Encourage workers to remain silent and request a lawyer if questioned.

After an ICE Visit

• Document everything that occurred.
• Contact legal counsel immediately.
• Inform affected employees of their rights and provide referrals to immigration legal services.
• Notify the union (if applicable).

Employee Protections

• No employee will be disciplined solely based on suspected immigration status.
• Employees retain all wage, hour, and safety rights under federal and state law.
• The company will not tolerate retaliation against workers asserting their rights.

Training & Review

• Annual training for all employees on ICE response and workplace rights.
• Review and update policy annually or when laws change.

Disclaimer

This policy provides general guidance and does not constitute legal advice. Employers should consult with immigration and employment counsel for case-specific advice.