What To Do To Prepare For an Immigration (ICE) Workplace Visit

ICE can visit a workplace for many reasons, including:

- Issuing a Notice of Inspection to audit Forms I-9.
- Looking for or investigating a particular employee or group of employees.
- Conducting a worksite enforcement action, commonly known as a raid.

These tips will help your company get ready in case of any ICE visit.

1. Ensure Your Documentation Is in Order

- Designate a team or individual to be responsible for managing Form I-9 compliance.
- Conduct an internal I-9 inventory audit to determine if you are missing I-9s or missing work authorization updates (only where necessary).
- If using electronic I-9s, understand the rules and regulations associated with their completion, electronic storage, digital signatures, and security.
- Train the team or individual responsible for I-9s and provide adequate materials to assist them in recognizing both lawful and potentially fraudulent documents.
- Partner with immigration compliance experts to audit and remediate your I-9s:
  - Internal self-audits, without direction, can often do more harm than good if not properly executed and also may result in unreliable assurances about the quality of your I-9 completion or the potential exposure in your workforce.
  - Outside, experienced legal counsel can ensure your audit is privileged and will also assist with the necessary remediation.

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2. Develop a Preparedness Plan with Legal Counsel

- Partner with immigration legal experts to draft a plan to address each type of ICE visit.
- Share the plan or an advisory with relevant supervisors or managers to ensure they are familiar with their responsibilities:
  - How to determine the nature of the ICE visit (whether it is an I-9 Notice of Inspection audit vs. looking for someone)
  - What to do in the case of an ICE visit.
- Outline clear steps to reduce confusion and ensure everyone's rights are upheld. The plan should include:
  - Direction on the level of cooperation the company will offer to ICE, where appropriate.
  - What information managers or supervisors may be providing to nonsupervisory staff during a visit or enforcement action.

3. Establish Communication Procedures

- Assign responsibilities for key personnel such as HR, security, and reception in the event of an ICE visit.
- Create a "cheat sheet" with concise, step-by-step instructions for how to respond, including who to call 1st & 2nd, where to keep the ICE agents, for those who may encounter the agents first.
- Ensure the staff assigned to address ICE understands their rights and responsibilities during an ICE visit.
- Ensure internal legal (where applicable), and external counsel are notified.
- Designate executives or managers to meet ICE agents at the entrance, or where necessary, and accompany them in your workplace.

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4. Provide Training Materials for Staff

- Organize training materials for security, reception, HR personnel, and other staff members to prepare them to handle ICE (and other law enforcement) visits professionally and within legal bounds.
    - Ensure security or reception staff are trained to identify what agency is on site and what the purpose is of their visit.
- Include company directives regarding rights and responsibilities in the event of an ICE visit.
- Your Preparedness Plan should include these directives. Note: Some companies may wish to cooperate more than others in situations where there is no judicial warrant involved.
- Train staff to ensure no documents are provided to ICE during a visit.
- Ensure training materials include state-specific mandates where necessary (e.g., in California, Illinois, and Oregon).
- Equip teams with knowledge about necessary documentation (e.g., what constitutes a valid warrant versus an administrative subpoena) and how to respond appropriately under guidance from company counsel.