



BEST PRACTICES FOR EMPLOYERS WHEN ICE AGENTS ARRIVE AT A JOBSITE

Immigration enforcement can pose significant legal and operational challenges for employers. It's essential to have clear procedures in place to handle such situations appropriately and lawfully.

1. Ask for Identification and a Warrant:

- Politely request identification from the ICE agents and inquire about the purpose of their visit.
- If they seek access to the job site or company records, ask to see a warrant. Ensure the warrant is signed by a judge and specifies the scope of the search or seizure.

2. Limit Access Without a Valid Warrant:

- Without a judicial warrant, ICE agents do not have the right to enter non-public areas of a job site. Public areas (e.g., parking lots or lobbies) are typically accessible, but private areas require authorization.

3. Notify Key Personnel:

- Immediately inform the superintendent or project manager.
- If possible, delay ICE's entry until the company's legal counsel or HR representative can be present, similar to procedures for an OSHA inspection.

4. Do Not Provide Voluntary Information:

- Employees should not obstruct ICE agents but also should not volunteer information or documents beyond what is legally required.
- Ensure employees know to direct all inquiries to a designated company representative trained to handle such situations.

5. Train Employees:

- Conduct training for employees and site supervisors on how to respond to ICE visits professionally and within legal boundaries.
- Reassure employees of their rights and the company's commitment to compliance.

6. Legal Counsel:

- If ICE presents a warrant, contact your legal counsel immediately to review its validity and advise on compliance.

RESOURCES

- **What To Do When ICE Shows Up at Your Jobsite – Andrews Myers, PC**
- **ICE Site Visit Q&A**
- **ICE Audits Information**
- **The I-9 and E-Verify Handbook**
- **Judicial Search Warrant Example**
- **DHS Administrative Warrant Example – not signed by Judicial Judge**
- **Save the Date (March 20th & 27th, 2PM Eastern) for a New AGC Webinar Series: “Be Ready When ICE Arrives at the Jobsite” (announcement coming soon).**