



ASA ICE Raid Checklist

What Triggers an ICE Visit on a Construction Site? The authority of Immigration and Customs Enforcement (ICE) to conduct worksite enforcement actions is derived from federal immigration laws, including the Immigration and Nationality Act (INA). These regulations are designed to prevent the employment of unauthorized workers and to ensure that businesses adhere to employment eligibility verification standards.

Typical reasons for ICE visits to workplaces include:

- Anonymous submissions or notifications
- Trends observed in I-9 audits
- Non-compliance by subcontractors

Previous enforcement records

Your Rights and Responsibilities during an ICE Visit –

- ICE has access to public spaces. In the workplace, ICE may not enter areas reserved for employees without permission. Make sure your workspace and project site are identified as “Authorized Persons Only” and not open to the public. This may include putting a fence around a project site that restricts entry or posting signs that say “Workers only”
- ICE agents need a warrant to enter non-public areas of a worksite.
- Employees can remain silent and refuse to answer ICE agents' questions. You do not have to speak, answer any questions, sign any document, or share any personal information. You also have a right to contact your attorney and get directions on how best to proceed with the site visit. You may want your attorney to join you at your office to help coordinate the visit from ICE.

Checklist for ASA Members when ICE agents arrive at a construction site:

1. **Stay calm and professional:** Avoid actions that could escalate the situation such as fleeing or hiding employees. Greet agents politely. Interfering with the site visit can lead to arrest of any persons involved and removal to any ICE facility.
 - a. **Verify ICE Agent Identity:** Request identification and record the names and badge numbers of the ICE agents. Please note that ICE agents, unlike police officers, may refuse to cooperate with these requests. You may want to document such exchanges with video or tape recordings.
 - b. **Notify Management:** Immediately notify company management and legal counsel of the ICE visit.
 - c. **Determine the Purpose and Authority:**
 - i. Ask the agents if they have a warrant, and if they do, review it carefully to ensure it is valid and properly signed by a judge. Check that the warrant specifies the areas to be searched and the items to be seized.
 - ii. If they do not have a warrant, politely but firmly inform them that they cannot enter non-public areas of the worksite without one.
2. **Control Access:**
 - a. If the agents have a valid warrant, allow access only to the areas specified in the warrant. This includes the correct name they are seeking, accurate location they are seeking to enter, the effective date has not expired and a federal judge (not state or administrative agency) has signed the warrant. Note: An immigration or “administrative” subpoena or warrant is not the same as a judicial search warrant. If they only have an administrative warrant, they cannot legally come inside unless given permission/consent to enter.
 - b. If they do not have a warrant, do not consent to a search of any private areas without first obtaining permission from your legal counsel to allow access or to schedule a consensual visit at a later agreed upon date.
 - c. If the agents insist on entering without a warrant, do not physically obstruct them but verbally object to the search and document their actions.



- d. You can ask them to leave. If immigration officers enter a private space and do not have a court order or warrant signed by a judge, you can ask them to step outside and let them know you do not consent to a search.
3. **Protect Employee Rights:** Inform employees that they have the right to remain silent and not answer any questions from ICE agents. Advise employees that they have the right to an attorney if they are questioned or detained. Do not interfere with ICE agents if they are questioning or detaining employees, but document the interaction. Remain truthful and within the bounds of any warrants or subpoenas.
 - a. **Make sure your employees have access to their legal rights and contact an immigration attorney as needed. Provide them with a Red Card, please see: <https://www.ilrc.org/red-cards-tarjetas-rojas>**
 - b. **Be prepared.** You can make a plan for your loved ones and responsibilities to be taken care of.
 - i. Consult a lawyer now
 - ii. Make copies of your important documents and keep the originals in a safe place
 - iii. If you have it, carry with you evidence of lawful entry or current lawful status, including pending immigration court case or appeal
 - iv. Make a family plan, including an emergency caretaker for your children – Some agencies and nonprofit organizations have several resources and trainings to help parents plan for the care of their children in the event that they are detained or deported.
 - v. Memorize at least one emergency phone number
 - c. If you are arrested, detained, or taken into custody:
 - **You have the right to speak to a lawyer.** You have the right to an attorney, and if you are detained or taken into custody, to receive a phone call from your attorney. You can ask to contact an attorney even if you do not yet have a lawyer. Immigration enforcement does not provide attorneys, but you may ask for a list of pro bono (free) lawyers.
 - **You have the right to contact your consulate.** Your consulate might be able to help you find a lawyer or other support. Telephone numbers to your consulate should be posted in the jail or detention center. You can also ask for a consulate list.
 - **Say it loudly and clearly if you have a fear of returning** to your country of origin. If you are taken into immigration custody and you have fear of returning to your country of origin, you should state that fear clearly and loudly, as often as you can.
 - **You can ask to call a family member or friend.** If you are arrested and need to arrange for care for a child or call into work, you may ask to do so. Have at least one essential phone number memorized, in case of emergencies.
 - **Report any health conditions or medication needs.** If you will need medications, access to medical care or equipment, or food accommodations due to allergies you should report that information clearly and as often as you can.
 - **Request a bond hearing.** You have the right to request a bond hearing immediately; doing so may prevent transfer to a detention facility outside of state you were arrested.
4. **Document Everything:** Keep detailed records of the ICE visit, including the names of the agents, their actions, any documents requested or seized, and the time and duration of the visit. If possible, gather witness statements from employees who observed the ICE agents' actions. Document everything, but do not interfere.
5. **Post-Visit Actions:** Conduct a debriefing with employees to gather information and address any concerns. Consult with legal counsel to discuss the implications of the ICE visit and any further actions that may be necessary.