



Protect Your Workplace

This brochure describes how workplace owners and workers can prepare and respond to the presence of ICE in or near your workplace.

Introduction and Background

Why do businesses need to be ready?

Since the election of President Donald Trump in November, 2016, immigrants in the United States have been terrified. The president campaigned on promises to deport millions, and he has pursued this goal relentlessly. On January 25, 2017, he signed an Executive Order that supports the deportation of those who are simply accused or suspected of committing a crime, even a minor one like turnstile-jumping, disorderly conduct, or driving without a license. Those who have stayed in the country past a specified date of departure (the expiration of a visa, DACA, or TPS) are also targets.

The New Sanctuary Coalition recognizes the challenge of this particular time. We are expanding our SanctuaryHood program to increase awareness of how we can protect ourselves and our neighbors from the threat of Immigration and Customs Enforcement (ICE).

ICE has promised to retaliate against the cities that protect immigrants, stepping up their activities in neighborhoods, at courthouses, and at worksites. Former ICE director Thomas Homan said to undocumented immigrants, in front of Congress, “You should look over your shoulder, and you need to be worried.” But everyone, citizen and non-citizen alike, is protected by constitutional rights and entitled to due process.

In January 2018, ICE agents raided nearly one hundred 7-11 convenience stores across the country, arresting 21 people. The nationwide raid was not only a coordinated effort to detain and deport undocumented immigrants, but also a scare tactic designed to threaten immigrant workers throughout the country.

Is there a risk of legal repercussions?

This brochure is not encouraging anyone to violate the law—it explains how you can assert your civil and legal rights while protecting your workplace and standing up against the cruelty of deportation. When undocumented immigrants and the people around them know their rights, it empowers everyone to live their lives and conduct everyday business without fear. It is also our responsibility keep law enforcement accountable to their own rules. Remember, whatever happens, you have a full community behind you.

This guide will tell you what legally risky behaviors to avoid before we tell you the rights you have and the actions you can take.

Why Does ICE attempt to enter businesses?

There are generally three reasons:

- To detain a specific person. Even if they have only one named target, they are allowed to question and detain any undocumented people they encounter face-to-face.
- To conduct a mass round-up. This generally involves a great deal of racial profiling.
- To conduct Form I-9 (Employment Eligibility Verification) audits. Sometimes ICE agents will say they are “checking up” on I-9 compliance as an excuse to enter workplaces and intimidate business owners and employees. For genuine I-9 audits, ICE must warn you at least 3 days in advance.

Do Not

DO NOT panic, run, or resist ICE using force.

DO NOT lie or provide false documents - this is a crime.

DO NOT single out or disguise undocumented immigrants to help them hide or escape.

Treat everyone present the same way, regardless of status. By specifically instructing undocumented individuals, you can be accused of “shielding.”

DO NOT SIGN ANYTHING or ANSWER ANY QUESTIONS WITHOUT TALKING TO A LAWYER.

This is especially important for undocumented immigrants to know. ICE could be having them sign their own deportation order.

If you are detained, you can request a lawyer at any point.

DO NOT let ICE in any locked or private area without a judge-signed search warrant.

DO NOT identify anyone for ICE or tell them who is an immigrant.

DO NOT tell individual people that law enforcement is present - tell everyone.

Avoid mentioning “ICE” by name.

DO NOT assume ICE agents are speaking honestly. ICE can and does lie.

ICE may use threats, or say that they “just want to talk” in order to get into a business.

DO NOT BELIEVE THEM.

ICE may say “this will only take a few minutes” or promise to release you after you answer questions. DO NOT BELIEVE THEM.

ICE will tell undocumented immigrants that answering questions will help them get a better deal or dismissal in their case. DO NOT BELIEVE THEM. Ask to speak to a lawyer and remain silent.

Citizens should ask to speak to a lawyer and check for a (judge-signed) warrant.

Do

Lock the door to an area makes that area private. ICE Cannot enter a private area without a judge-signed search warrant permitting that.

Stay calm and walk. No one should ever run. Running will give them an excuse to stop or arrest someone.

Remain silent, and do not answer questions or sign anything without a lawyer present. Do not lie. Providing false information or documents is a crime. Information you give will likely be used against you later.

In New York State, you can refuse to produce ID. If you are a citizen, you should opt only to present your NYCID.

Be able to identify a judge-signed search warrant versus an ICE warrant (administrative warrant) or search warrant –we will cover this later.

Know the “plain view” rule: Law enforcement can observe (not move) anything in sight. If they directly view/hear/feel/smell anything that gives them probable cause that something illegal is happening, it can give them probable cause to search other areas.

RECORD EVERYTHING on your phone or camera and take detailed notes.

Undocumented immigrants should carry a “rights card” and give signed, undated privacy waivers to their citizen allies/family. More info at www.newsanctuarynsc.org.

Unless you are already under arrest, you do not have to consent to fingerprinting. However, refusing a mobile fingerprinting could result in arrest. Do not resist fingerprinting with force, but note afterwards if they violated your consent.

In February, 2017, two ICE agents carrying guns and wearing vests that said “POLICE” entered Cafe Zola in Ann Arbor, MI. They said they were searching for a person of interest (whom they did not name). When they asked to enter the kitchen, owner Hediya Batu denied their request. The agents left and no arrests were made.

How to Assert Your Rights

Preparing

1. Make sure everyone—managers, owners, and employees—reads and re-reads the information here, as well as New Sanctuary’s “Beyond Know Your Rights” brochure (<http://www.newsanctuarynsc.org/resources/>). These go over the basics of how to respond to encounters with ICE.
2. Make a plan ahead of time for your workplace specifically, and make sure everyone’s on the same page. Yelling certain instructions during a raid could result in legal repercussions (see what you can say in Part 2). Everyone should know that when you say, “Law enforcement’s outside, we’re locking our door. Remember your right to remain silent,” you could be referring to ICE.
3. Speak to an immigration lawyer about your situation if you have any concerns. The Legal Aid Society offers free legal help for immigration challenges, including workplace issues. Visit bit.ly/LegalAidImmigration or call (212) 577-3456. For general immigration questions or to obtain referrals to immigration attorneys, including free and low-cost legal assistance, visit www.immigrationlawhelp.org.
4. Put “private area” signs on the doors of your business that are not open to the public. Make sure they can be locked, and that all employees know how to lock them.
5. Put your attorney on speed-dial. If you're in New York City, please also save the number of the New Sanctuary Coalition (646-535-4926).
6. Make sure your phone always has enough memory to record audio or video.
7. Keep I-9 employment eligibility forms on file. These must be kept either three years after the date of hire, or one year after the date employment is terminated, whichever is later. Form I-9 can be retained on

paper, microform or electronically. Do not ask employees to fill it out again unless necessary (learn more here: www.uscis.gov/sites/default/files/files/form/m-274.pdf). You do not need to keep copies of IDs or immigration documents on file. If you do, keep them separate from I-9s.

8. Get trained – meet with your local New Sanctuary movement. Learn the difference between a real search warrant signed by a judge and the “administrative warrant” often used by ICE agents to deceive and intimidate people into giving up their rights.
9. When you are informed and committed, publicly display the sanctuary symbol at your workplace. Keep copies of the “Beyond Know Your Rights” brochures (available in multiple languages).



10. Know the community organizations that are allied with immigrants and when they meet.

Let’s say ICE comes to a shop where Malia is working in the back. Malia’s manager has found out they were in the area, has told everyone that ‘law enforcement’ is present, and has locked the door. The ICE agents start loudly and aggressively banging the door and demanding to talk to Malia.

✘ No one should ever say:

“Malia isn’t here!” or “Malia doesn’t work here!”

✔ Instead, you can say:

“We will not answer any questions. We wish to remain silent. Show us your judge-signed warrant.”

If you say something isn’t true, like saying someone isn’t there when they are, or that they don’t live there when they do, you can be charged with a crime. Remember, you can always remain silent and refuse to identify anyone.

Part 2: Responding To Immigration Raids and Targeted Arrests

Once you learn that ICE is in the area, you may choose to take the following actions:

1. Announce to everyone—customers and employees alike—that you intend to lock your doors to keep “law enforcement” (avoid mentioning ICE) from entering the premises without a judge-signed warrant. instruct them to go anywhere; Based on prior conversations (See Part 1), employees should already know that ICE cannot enter private areas of the business without a judge-signed warrant.]
2. Inform everyone that they have the right to remain silent if questioned by ICE— and to firmly say “I’m going to remain silent” in order to assert that right. Let them know they can talk to a lawyer at any time and NEVER to sign anything without consulting one. (DO NOT instruct people to refuse to speak to ICE officers. Rather, advise that they may remain silent.) **Beware:** If you do lock your doors, ICE may start to loudly bang on them, demanding entry while **vaguely identifying themselves as “Police!” or “Law Enforcement!”** to intimidate and confuse you. ICE may also attempt to deceive you into letting them in by claiming to be investigating a crime or looking for a missing person. **Ask what agency they are with.**
3. Allow those who wish to leave or enter the business opportunity to do so; and then, ICE agents wear vests that say “HSI” or “ICE” on them (they may also say “Police”). ICE has also been reported to have impersonated parole officers.
4. Lock the front and back doors. ICE is not entitled to enter an area behind a locked door without a judge-signed SEARCH warrant. [If you choose not to lock your doors, remember that people in the workplace can still go to rooms marked “Private.” DO NOT directly

What to Say During a Raid

“ Everyone, law enforcement is outside, and we are locking our doors. You have the right to remain silent. If you don’t want to answer questions, tell them you wish to remain silent. ”

Rights Card

Presenting this rights card, which one can keep in their wallet, to ICE affirms an intent to remain silent. It is the same as saying you wish to remain silent. Download copies here and print them out: www.newsanctuarync.org/resources/

I choose to exercise my right to remain silent. I am giving you this card because I do not wish to speak to you or respond to your questions. I will not waive my legal rights or sign any papers. I do not consent to any search of my person, papers, or property until I have obtained the advice of my attorney.

Please let me know if I am under arrest or free to go. If I am under arrest, I want to contact this attorney/organisation:

Phone #:



Know Their Warrants

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject,
- the pendency of ongoing removal proceedings against the subject,
- the failure to establish admissibility subsequent to deferred inspection,
- biometric confirmation of the subject's identity, and a records check of federal databases that affirmatively indicate, by the majority or by a preponderance of other reliable information, that the subject either lacks appropriate status or notwithstanding such status is removable under U.S. immigration law,
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to appear in court and to take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) on _____ (Date of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

(Signature of Officer)

Case: 1:17-mj-00533-DAR Document 1 Filed 07/26/17 Page 1 of 1

FILED

SEAL

UNITED STATES DISTRICT COURT
Eastern District of Tennessee
United States of America
vs.
HEATHER ANN TUCKER-JARROLD
Defendant

Case No. 17-cr-0052

ARREST WARRANT

Case No. 17-mj-00533
Prosecutor: Special Agent Joseph Deborah A. Robinson
Case No. 17-00533
Docket No. Arrest Warrant (Title 18)

YOU ARE COMMANDED to appear and bring before a United States Magistrate Judge without unnecessary delay to answer to the criminal charges against you.

YOU ARE COMMANDED to appear and bring before a United States Magistrate Judge without unnecessary delay to answer to an offense or violation based on the following document filed with the court:

Subpoena Interrogatory Information Complaint Criminal Violation Judgment on Remand Order of the Court

This offense is hereby described as follows:
The defendant, on or about _____, knowingly concealed, concealed, transferred, and signed with each other and with other persons known and unknown to the District Judge to conceal money belonging to the United States Court, Section 878 and 879.

Date: 7-26-17
City and state: Knoxville, TN
Return: _____
This warrant was returned on issue 7-26-17 and the person was arrested on issue 7-26-17 at present time.
Date: 7-26-17
Signature of Officer: _____
Signature of Judge: _____
F04102365708 1774-0720-2495-3

ICE Warrant

This “Warrant of Removal/Deportation” does NOT entitle ICE to enter any locked or private areas.

- Issued by Department of Homeland Security
- Signed by ICE/INS agents and has “Officer” written under their name.

ARREST Warrant signed by a judge

- Looks like SEARCH WARRANT but says “ARREST WARRANT” at the top.
- Does not entitle ICE to enter any locked or private areas.
- Remember that you are not required to identify anyone, or anyone’s immigration status, for ICE

How to deal with ICE once they have arrived

1. **Call your attorney (and the New Sanctuary Coalition at 646-535-4926 if you're in NYC.)**
2. **Tell ICE not to enter locked or private areas, and demand to see a warrant.** If you have not locked your doors, ICE officers will be free to enter any public areas of your workplace, and they will therefore be free to search for, question or arrest people they encounter. However, in order to search a private area of a business, that area needs to be included in the JUDGE-SIGNED warrant. Remember to avoid physically resisting or clashing with ICE. If at any point you feel physically threatened, do not become confrontational.
3. **Start recording, with your phone or another device, everything the ICE officers do.** Have at least one employee or representative follow each ICE agent around the workplace, recording via video, audio, or jotting down notes describing their conduct so you'll have a written account.
4. If you were able to lock the door before they came, **tell ICE to pass you the warrant under the door,** through the delivery slot, or to display it through the window. If they do not have a warrant, ask them to pass a business card under the door and tell them your lawyer will call them. Then pass it to a lawyer.
5. **Confirm that it is a search warrant signed by a judge, that is for the correct address, and correct date.** If the search warrant presented by ICE is not signed by a judge, you do not have to open the doors or let ICE search private areas of a business. ICE may attempt to use an arrest warrant or “administrative warrant” (Form I-1200 for Arrest of Alien), but neither authorizes them to enter private business areas or breach locked doors.
6. **Review the scope of the warrant.** If a valid, judge-signed search warrant is presented, check what it allows ICE to do – which areas it allows them into, or the name of someone to be arrested.

7. **If it is a judge-signed search warrant, obey it and let ICE into the specified area, but do not consent to the search.** An employer or employee can accept a valid search warrant by an ICE officer, but should also say, “I do not consent to a search.” DO NOT attempt to block, interfere with, or stall ICE officers in their searching, questioning, or arresting. Instead, record everything.
8. **Obtain the name of the supervising ICE officer.** Write it down! Ask for a copy of the warrant and the list of items seized during the search. ICE officers are required to provide this inventory to you. Try to get as many names and badge numbers of the other officers present.
9. Once the encounter is over, write down everything that occurred, and then call a lawyer. Remember: while you are accepting the warrant, you are not consenting to it. Your only cooperation needs to be opening the door to private areas IF they are listed in the warrant.

Reminder: Do not to give specific instructions to undocumented people - treat everyone present the same. Avoid mentioning ICE (or “la migra”) by name, or telling people to get into private areas. **Make sure people know the private areas ahead of time.** If ICE has spotted someone specifically named in a search or arrest warrant — perhaps ICE saw them on the street or before they went into a private area — knows they are in there and refuses to leave, allow that person to surrender themselves (should they choose to) by leaving the locked area, rather than letting ICE into where other people may be.

*Those recording should be silent, maintain a safe distance, and **never interfere physically.** If you are asked to back up, calmly state that you are “backing up three steps” and comply. When the incident is over, send it to a lawyer who can immediately back it up. Avoid posting publicly without first consulting a lawyer.*

Part 3: AN I-9 AUDIT

ICE may initiate a Form I-9 audit in an effort to gather information on your employees. Here's what business owners can do:

1. Inform your employees and your legal counsel. You do not have to sign anything or answer questions without consulting your lawyers. Allow employees to inform their coworkers or union representatives present. The law gives you 3 work days to produce your I-9 Forms. Do not provide your documents early.
2. If ICE finds that an employee is not authorized to work, they will give you 10 days to provide proper authorization. To best protect your employees:
 - a. Inform the affected worker.
 - b. Ask ICE for more time.
 - c. Provide audit documents to employees' unions or lawyers and work with them.
 - d. Give your employee leave during this period to work on getting their papers in order, and offer them their job back with full seniority once they do.
 - e. If ICE decides an employee does not have a right to work, they may order you to terminate that employment, they may order you to stop hiring individuals without authorization, and you could incur some kind of penalty.
 - f. Pay severance to a worker if you are ordered to terminate their employment.

Thank you for reading our guide on how to protect your workplace and the people in it from the injustices of deportation. There's a lot of information here, so we hope you and your employees or coworkers will review this information often. Here is a link to a printable flyer that you can mount in your work area to help remember the basics: bit.ly/ProtectYourWorkplace.

We have the utmost respect and gratitude for businesses that make the effort to protect their community.

If you have questions, or know an undocumented immigrant that needs help, do not hesitate to reach out to the New Sanctuary Coalition of NYC at 646-535-4926 or info@newsanctuarynsc.org.

For more community support, or if you have any questions about this brochure, contact the NYC Democratic Socialists of America Immigrant Justice Working Group at immigrant.justice@socialists.nyc.

