

# **Law Enforcement at the Workplace:**

## **Recommendations for Building Owners and Property Management**

### **Legal Protections of Private Non-Public Areas of Property**

Immigration and law enforcement's power is limited by constitutional protections. The Fourth Amendment protects against unreasonable search and seizure. Private areas of a building or property are protected by the Fourth Amendment. Meaning that for immigration or law enforcement to enter or search a private area, the agent must have a valid judicial warrant signed by a judge, unless authorized staff at those areas consent to the search or entry. The Fifth Amendment also provides protections to individuals – such as the right to remain silent when confronted by law enforcement or immigration agents.

### **Areas Open to the Public**

In areas that are open to the public, where people do not have a “reasonable expectation of privacy,” law enforcement and immigration enforcement agents may enter and conduct arrests of people if they have a valid administrative warrant or arrest warrant for that person or if they have probable cause to believe the person is present in the U.S. in violation of immigration laws.

### **How Building Owners and Property Owners Can Ensure Protection of Legal Rights**

- Develop a written plan for handling a visit from ICE or other law enforcement agents.
- Designate an authorized person to engage with law enforcement and to review warrants and subpoenas. Provide relevant training.
- Identify the non-public/private areas of the property or building and clearly mark those areas as “private.”
- Train non-authorized staff and all employees at the building (including subcontracted staff such as cleaning and security personnel) on how to respond to law enforcement or ICE requests.
- Document all interactions with law enforcement.

### **Recommended Resources**

Property owners and Employers have a number of rights and responsibilities with respect to enforcement actions. For your reference, we are sharing helpful resources:

- A Guide for Employers: What to Do if Immigration Comes to Your Workplace prepared by the National Employment Law Project and the National Immigration Law Center. Available here: <https://www.nilc.org/wp-content/uploads/2017/07/EmployerGuide-NELP-NILC-2017-07-1.pdf>
- In California, the State's Attorney General issued helpful guidance to assist businesses and public entities in understanding and taking proper courses of action in the event there are visits by immigration or law enforcement. The guidance provides helpful recommendations that building owners and property management companies may want to consider. Those resources are available here:

### **Best Practices and Recommended Protocol**

In addition to the best practices provided in the resources above, we recommend the following:

1. Develop a written plan for handling a visit from ICE or other law enforcement agents.
2. The plan will include protocol if immigration agents come to nonpublic areas of the workplace and any public areas of the workplace. Clearly mark private areas and train relevant staff on the protocol.
3. The plan should designate the individuals who are authorized to engage with law or immigration enforcement agents.
4. Ensure that your plan includes a policy for front desk staff when ICE or law enforcement inquiries about employees.
5. Ensure the plan includes a policy for security officers or other employees that control access to the physical property, building, or workplace.
6. Designate the name(s) of management who employees or other agents, including security officers, should contact should law enforcement come to the workplace. Provide relevant training, including a training on understanding warrants and subpoenas.
7. Train front desk staff, security officers, or other personnel who may confront immigration or law enforcement agents, to not provide consent to enter nonpublic spaces. Train all personnel who might have contact with visitors at the entrance of the place of business to contact the designated individual or member of management if ICE agents arrive.
8. The designated member of management should meet with the law enforcement official in charge, who may be called the "lead agent," and should get the official's name, agency, badge number and telephone number, and their supervisor's name and contact information.
9. The designated member of management should request to see a judicial warrant and ask for a copy of the warrant. If no warrant is presented, request the grounds for access, make notes, and contact legal counsel.
10. If a warrant is presented, the designated individual should examine the warrant to make sure it is: (i) signed by a judge; (ii) still valid (served in the permitted time frame); and (iii) understand the scope of the warrant.
11. The designated member of management should not engage in conversation nor answer any questions without counsel present, and should clearly state that he/she is requesting counsel be present for any conversation or questions.
12. In the event a law enforcement agent seeks to serve a subpoena, the subpoena may be served on the person, however, a subpoena does not give the agent authority to conduct an interview. Simply accept the subpoena and call counsel for instructions.
13. Service of a subpoena does not authorize an agent the authority to enter private areas of a workplace.
14. The plan should include protocol in the event that ICE asks for a specific individual. Designated staff should be trained not to lie and not to hide the individual. If ICE has a valid warrant to arrest an individual, the individual should be asked to walk outside or to a public area.

# Warrants, Subpoenas, and Court Orders: Information for Building Owners and Property Management Companies

## Understanding the Difference Between Judicial Orders Issued by a Federal Court and Warrants or Subpoenas Issued by Immigration Agents<sup>1</sup>

Warrants and subpoenas issued by an officer engaged in immigration enforcement are not the same as judicial warrants, judicial subpoenas, and court orders issued by a federal court. Samples of each of the documents discussed here are included in Appendices A to G. Building owners, property management companies and contractors should consider developing internal protocols providing staff with directions on how to address immigration-related warrants to ensure that business operations are not disrupted.

### ICE Administrative “Warrant”

An ICE administrative “warrant” is the most typical type used by immigration enforcement officers. This document authorizes an immigration enforcement officer to arrest a person suspected of violating immigration laws. An ICE warrant can be issued by any authorized immigration enforcement officer. An ICE administrative warrant is **not** a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, because an ICE warrant is not supported by a showing of probable cause of a criminal offense. An ICE warrant is **not issued by a court judge or magistrate**. An ICE warrant does not grant an immigration enforcement officer any special power to compel building owner/property management/contractor personnel to cooperate with his or her requests.

For example, an ICE warrant does not authorize access to nonpublic areas of a building or property. An ICE warrant alone does not allow an immigration enforcement officer to search records. (See Appendix A for a sample ICE administrative “arrest warrant” (Form I-200), and Appendix B for a sample ICE “removal warrant” (Form I-205).)

Building owner, property management and contractor employees are not required to assist with the apprehension of a person identified in an ICE administrative warrant, nor is an employee of a building owner, property management company, or contractor required to consent to an immigration enforcement officer’s search of the building, property or facilities.

### Federal Court Warrant

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<sup>1</sup> Source: California Attorney General Immigration Guide, publications to help individuals, businesses, and public entities in understanding and taking proper courses of action in the midst of immigration reform and new immigration laws.

[https://oag.ca.gov/publications?blm\\_aid=70154241&utm\\_source=substack&utm\\_medium=email#immigration](https://oag.ca.gov/publications?blm_aid=70154241&utm_source=substack&utm_medium=email#immigration)

A federal court warrant is issued by a district judge or a magistrate judge of a U.S. District Court, based on a finding of probable cause authorizing the search or seizure of property, the entry into a nonpublic place to arrest a person named in an arrest warrant, or the arrest of a named person.

There are two types of federal court warrants, a search-and-seizure warrant and an arrest warrant.

- **Federal Search-and-Seizure Warrant:** allows an officer to conduct a search authorized by the warrant. (See Appendix C for a sample federal search and seizure warrant (Form AO 93).)
- **Federal Arrest Warrant:** allows an officer to arrest the individual named in the warrant. (See Appendix D for a sample federal arrest warrant (Form AO 442).)

Prompt compliance with a federal court warrant is usually required. Where feasible, however, the building owner or property management company should have protocol in place requiring that staff contact the designated individual authorized to engage with immigration enforcement agents and that individual should consult with legal counsel or high-level management staff before responding.

### **Administrative Subpoena**

An administrative subpoena is a document that requests production of documents or other evidence, and (in the immigration enforcement context) is issued by an immigration enforcement officer. The administrative subpoena will contain the following information: file number, subpoena number, mailing address to which to mail the requested information, a list of the regulations that apply, the request for information, and the signature(s) of the agent(s). (See Appendix E for a sample administrative subpoena (Form I-138).) Generally, you do not need to immediately comply with an administrative subpoena. If an immigration enforcement officer arrives with a pre-designated administrative subpoena, building owner or property management staff should immediately contact legal counsel since you have the right to decline to produce the information sought and can challenge the administrative subpoena before a judge.

### **Federal Judicial Subpoena**

A federal judicial subpoena is a document that asks for the production of documents or other evidence. The federal judicial subpoena will identify a federal court and the name of the judge or judicial magistrate issuing the subpoena, and may require attendance at a specific time and location and the production of prescribed records. (See Appendix F for a sample federal judicial subpoena.) Generally, you do not need to immediately comply with a federal judicial subpoena, and can challenge it before a federal judge in a U.S. District Court. Building owners, property management companies or contractors should immediately contact legal counsel upon receipt of a federal judicial subpoena.

### **Court Orders**

If an immigration enforcement officer arrives with a court order, designated individuals should review the order with legal counsel and then respond accordingly.

### **Notice to Appear**

A Notice to Appear (NTA) is a charging document issued by ICE, CBP, or the United States Citizenship and Immigration Service (USCIS) seeking to commence formal removal proceedings against an individual before an immigration court. An NTA contains allegations made about a particular person's immigration

status. An NTA notifies an individual that he or she is expected to appear before an immigration judge on a certain date. An NTA does **not** authorize an individual's arrest by immigration enforcement authorities or local law enforcement authorities. (See Appendix G for a sample Notice to Appear form (Form I-862).) An NTA does not require building owner, property management or contractor's staff to take any action or grant an officer engaged in immigration enforcement any special power to compel cooperation with the officer. An NTA does not authorize access to nonpublic areas of a building or property. An NTA does not legally require building owner, property management, or contractor staff to allow authorities to search employer records.

**Appendix A**  
**Immigrations and Customs Enforcement “Arrest Warrant”**  
**(Form I-200)**

**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 themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and 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 \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

**Appendix B**  
**Immigrations and Customs Enforcement “Removal Warrant”**  
**(Form I-205)**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

**To any immigration officer of the United States Department of Homeland Security:**

\_\_\_\_\_  
(Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

☐ an immigration judge in exclusion, deportation, or removal proceedings  
☐ a designated official  
☐ the Board of Immigration Appeals  
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

\_\_\_\_\_  
(Date and office location)

## Appendix C

### Federal Search and Seizure Warrant (Form AO 93)

AO 93 (Rev. 11/13) Search and Seizure Warrant

#### UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

)  
)  
) Case No.  
)  
)  
)

#### SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_  
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ (not to exceed 14 days)  
' in the daytime 6:00 a.m. to 10:00 p.m. ' at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to \_\_\_\_\_  
(United States Magistrate Judge)

' Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)  
' for \_\_\_\_\_ days (not to exceed 30) ' until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: \_\_\_\_\_  
Judge's signature

City and state: \_\_\_\_\_  
Printed name and title



## Appendix D

### Federal Arrest Warrant (Form AO 442)

AO 442 (Rev. 11/11) Arrest Warrant

#### UNITED STATES DISTRICT COURT

for the

United States of America

v.

Case No.

*Defendant*

#### ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) \_\_\_\_\_,  
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Date: \_\_\_\_\_

\_\_\_\_\_  
*Issuing officer's signature*

City and state: \_\_\_\_\_

\_\_\_\_\_  
*Printed name and title*

#### Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Arresting officer's signature*

\_\_\_\_\_  
*Printed name and title*

# Appendix E

## Department of Homeland Security Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY <b>IMMIGRATION ENFORCEMENT SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding)	(File Number, if Applicable)

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection
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If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official
(Signature)
(Printed Name)
(Title)
(Date)

DHS Form I-138 (6/09)

## Appendix F

### Federal Judicial Subpoena (Form AO 88B)

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

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**UNITED STATES DISTRICT COURT**  
for the

\_\_\_\_\_  
*Plaintiff*  
v.  
\_\_\_\_\_  
*Defendant*

\_\_\_\_\_  
Civil Action No.

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: \_\_\_\_\_  
(Name of person to whom this subpoena is directed)

\* **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: \_\_\_\_\_ Date and Time: \_\_\_\_\_

\* **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: \_\_\_\_\_ Date and Time: \_\_\_\_\_

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

\_\_\_\_\_  
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

\_\_\_\_\_

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

## Appendix G

### Notice to Appear Form (Form I-862)

U.S. Department of Homeland Security	Notice to Appear
<b>In removal proceedings under section 240 of the Immigration and Nationality Act</b>	
File No: _____	
In the Matter of:	
Respondent: _____ currently residing at:	
(Number, street, city, state and ZIP code)	(Area code and phone number)
<div style="display: flex; flex-direction: column; gap: 5px;"><div><input type="checkbox"/> 1. You are an arriving alien.</div><div><input type="checkbox"/> 2. You are an alien present in the United States who has not been admitted or paroled.</div><div><input type="checkbox"/> 3. You have been admitted to the United States, but are deportable for the reasons stated below:</div></div>	
The Department of Homeland Security alleges that you:	
On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:	
<div style="display: flex; flex-direction: column; gap: 5px;"><div><input type="checkbox"/> This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.</div><div><input type="checkbox"/> Section 235(b)(1) order was vacated pursuant to : <input type="checkbox"/> 8 CFR208.30(f)(2)      <input type="checkbox"/> 8CFR235.3(b)(5)(iv)</div></div>	
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____	
on _____ at _____ to show why you should not be removed from the United States based on the charge(s) set forth above.	
(Date)	(Time)
Date: _____	
<b>See reverse for important information</b>	
(Signature and Title of Issuing Officer)	
(City and State)	
Form I-862 (Rev. 08/01/07)	



## **FAQs on Nonprofit and Small Business Rights with Respect to Immigration and Customs Enforcement (ICE) January 23, 2025**

As a nonprofit or small business owner, it is critical to know your rights and responsibilities if immigration enforcement officials appear at your facility, office, or workplace. Here are some answers to common questions on this topic. **\*Template policies on immigration enforcement are attached to this publication and a recording of our webinar on this topic can be found [here](#).**

### **1. What information should I request from clients/customers and how should I store it?**

Only request and store necessary data. Without a specific business need to ask for or keep certain information, it may be best not to do so. This is essential because all stored data is vulnerable to investigation if ICE appears at your location with proper documentation (e.g., judicial search warrant or subpoena). With these documents, ICE may be able access sensitive information like Social Security Numbers or ITINs if you have them stored.

For example, if you need proof of residency status, you can request a utility bill from clients or customers in lieu of a passport.

Data retention looks different depending on whether you store information online or in physical files. Digital files should be encrypted and password-protected for security. Enable dual-factor authentication as an additional safety measure. Limit access to these files to only necessary personnel. If your business or nonprofit stores information in physical files, confirm that they are in a safe location and protected with locks.

Create a written policy that covers information disclosure and retention if you do not have one already. Generally, advise that employees and staff not open links from unfamiliar senders, do not save files to their personal devices, and do not download programs without company consent. Employees and staff should be trained on your data storage, privacy, and disclosure policies. Click [here](#) for Public Counsel's sample data retention policy for nonprofits.

### **2. What are my responsibilities as an employer related to I-9 Audits?**

As an employer, you have an obligation to ensure that all employees hired by your organization are authorized to work in the United States.

## ICE I-9 Audits

An I-9 Audit is when ICE wants to check that all of your employees are authorized to work in the United States. These audits may be random or based on specific information ICE receives (e.g., from a tip or surveillance).

ICE will serve a Notice of Inspection to an employer via mail or in-person to initiate the audit. That notice may ask the organization to deliver I-9s, payroll documents, lists of current employees, articles of incorporation, and/or business licenses for ICE to inspect.

Contact a lawyer as soon as you receive the Notice of Inspection. You will have three (3) days to comply with ICE's request. Make sure to take this three-day period in order to prepare documents and respond to ICE's questions. Waiving the three-day period allows ICE to investigate immediately.

These inspections will occur either at the employer's worksite or at an ICE field office. As ICE is inspecting, they may be suspicious if they observe more workers on site than I-9 forms presented, and if they observe many employees being paid in cash.

ICE will not need a separate search warrant to access I-9s, but you and your staff should still exercise your constitutional rights to limit the inspection to the scope of the Notice of Inspection.

### **Here are some important policies and procedures to follow if ICE arrives at your workplace for an audit:**

1. Contact your lawyer or a trusted non-profit legal service provider as soon as possible.
2. Do not give ICE consent to speak with employees.
3. Ask ICE agents to wait outside and avoid letting them enter without a valid and signed judicial warrant. If they do have a signed judicial warrant to enter and inspect the premises, arrange for ICE inspector to be accompanied at all times while on the premises. Granting them permission to enter does not allow them to approach employees to ask about their right to be in the United States.
4. Only give ICE agents what they have requested. Keep I-9s and other employee files separately. You can insist upon a subpoena or judicial warrant to access other personal information aside from I-9s. If you get a subpoena, speak to a lawyer as soon as possible.
5. Ask ICE inspectors to review I-9 forms outside of your organization's office.
6. Post this notice of inspection for employees to see within 72 hours of receiving a Notice of Inspection. You must also notify specific employees whose I-9s are deemed defective by ICE.

If ICE finds unauthorized employees at your organization, you will be given ten (10) days to provide valid work authorization. If you cannot, you must terminate that unauthorized worker's employment or place the worker on leave until they obtain work authorization.

### Internal I-9 Audits

Employers should not conduct any internal discriminatory or retaliatory audits. For example, performing any audit based on an employee's national origin is prohibited. Before conducting an audit, consider its timing, scope, and selective nature. For more information, you can find ICE guidance on internal audits for employers [here](#).

For additional information on I-9 audits and workplace authorization, please read Public Counsel's Work Authorization FAQ for Employers publication [here](#).

### **3. What are my organization and our staff/clients' rights when interacting with law enforcement such as ICE?**

The Department of Homeland Security has two branches that carry out immigration enforcement: the Homeland Security Investigations (HSI) unit and Immigration and Customs Enforcement (ICE). HSI handles workplace enforcement operations and is typically responsible for workplace raids. ICE has been tasked with arrests and deportations of individuals.

Even though they may be difficult to exercise, everyone has a right to:

- Stay silent
- Ask for identification
- Document and record interactions with immigration enforcement
- Deny entry into private spaces if ICE agents arrive without a judicial warrant (due to the Fourth Amendment's protection from unreasonable searches and seizures)
- Ask for supporting documentation (e.g., warrants and subpoenas)

### **4. What should my organization's written policy on interactions with law enforcement include?**

Written policies are valuable tools to help protect your clients' and organization's legal rights if immigration enforcement arrives at your facility, office, or workplace. Policies also facilitate discussion and agreement and assure staff of their safety. With a written policy, a staff member can tell law enforcement, "Our policy states that I am not allowed to . . ."

Ensure that your written policy contains the following elements:

- **Scope of the policy**
  - When policy should be applied, which properties/locations policy applies to, staff roles/locations (e.g., owner, property manager, reception, off-site staff) and obligations (e.g., receptionist will call property manager when law enforcement arrives)
  - Address all interactions with law enforcement and official visitors, not just visits from ICE
  - Organizational/employee information

- **Data collection and preservation**
  - Safely store all employee and client information. The plain view rule allows law enforcement to access any document that is openly visible. If sensitive documents are on your desktop, sitting in your trash can, or at the top of a pile of papers, law enforcement can look at them. They may be able to seize the documents if they can tell that they relate to law enforcement's search or some illegal activity.
- **Protocols for public vs. private space**
  - For a space to be considered private under the law and therefore subject to the Fourth Amendment's protection from unreasonable searches and seizures which generally prohibits the government from entering a person's home or other areas without a judicial warrant, there must be a "reasonable expectation of privacy." Both you, subjectively, and society, objectively should have this expectation. You likely have a reasonable expectation of privacy in places like your home, your bathroom, a hotel room, or on your personal computer. You do not have this expectation in areas of your office that can be seen by the public or with respect to the garbage that your organization has left on the curb for sanitation crews.
  - ICE, and other government officials, can enter public areas of your facility without permission, but generally cannot enter private spaces without a judicial warrant, unless a specific exception applies. Exceptions usually involve emergency situations. Note that ICE agents can take pictures in public spaces.
  - An example of a public space is a building lobby. Sometimes it can be difficult to determine whether an area is public or private. You can place signs in locations around your facility to indicate that a space is private, such as a sign that says "Restricted Area: Employees Only." This is a helpful step, but be cautious because these signs alone may not make an area legally private for 4<sup>th</sup> Amendment purposes.
- **Monitoring and receiving visitors to the space**
  - Are all visitors required to sign in?
  - Who is permitted to grant entry?
  - What doors are to remain locked?
- **What to do during an encounter with law enforcement**
  - Follow policies or remain silent.
  - If you are asked a specific question like, "Is this person here?" You do not have to tell them where the person is or if they are at work that day. You can answer by saying, "I am not authorized to speak with you" or "I decline to answer questions." You can also stay silent.
  - Avoid opening your doors to law enforcement unless they have and display a judicial warrant. Have the designated contact person check the credentials and validity of the judicial warrant before taking any action.
  - List a designated/authorized contact person(s) and their duties. These contact people should be familiar with different types of



warrants/subpoenas; be comfortable checking date, location, and scope of warrants; ask for, check, and document agent's credentials; should know the contact information for your company's legal representative; and, be comfortable interacting with law enforcement on organization's behalf. It should be clear whether authorized representatives are working on-site or off-site and have after-hour availability. Include their contact information and your attorney or legal services organization's contact information in your policy. **All employees should know the authorized contact person(s) to contact in case of a law enforcement encounter.**

Policies should also incorporate organization-specific information. For example, if your organization is a school, there may be additional laws that you must follow to protect student and parental rights. Additional guidance for schools in California can be found [here](#). Click [here](#) for sample policies for healthcare-related organizations and [here](#) for resources specific to homeless service providers.

**For sample policy templates, please refer to the attachments at the end of this publication.** We recommend you work with an attorney to tailor policies to your particular organization. Click [here](#) for additional information and guidance on creating a written policy.

#### How to Implement Your Policy

After working with an attorney or obtaining legal services to draft a policy, organizations should seek approval of the policy from Board of Directors. Then, conduct staff trainings to explain the policies and how to respond to client concerns. It is important to practice the policies through role playing exercises at these trainings as well.

#### **5. When law enforcement such as ICE is at the door, what should we do?**

- Stay calm. Don't run. Contact the authorized person listed in your policy.
- If agents are seen outside, have authorized person speak with them there and confirm their identities to avoid creating fear or confusion.
- Do not release any information about clients, staff, or others unless a judicial warrant or subpoena specifically requires you to do so. If presented with a subpoena, seek legal counsel before responding as you may have rights to object to what the subpoena is requesting or to not respond.
- Do not help agents sort people by immigration status or country of origin.
- Tell agents that they do not have permission to enter non-public spaces without a judicial warrant. Ask them to stay in designated areas.
- Have authorized person inspect the documentation that ICE provides.
- If no judicial warrant, say, "We have a policy of denying access without a valid judicial warrant."
- If valid judicial warrant, have authorized person double check the warrant with another staff member before taking action. Then, make sure the search remains

only in boundaries authorized by the warrant by accompanying them throughout the search and documenting everything that occurs.

- If agents try to take something vital to your business, explain why it is vital and ask for permission to photocopy it before it is taken. If materials are attorney-client privileged or protected by privacy laws, request that those documents not be inspected until you speak with an attorney. Document any information or materials they take. Ask for a copy of the list of items agents seized during search.
- Object to any search outside the scope of the judicial warrant, but do not engage in debate or argument. Present the objection and make note of it.
- Document or record the encounter.

Remember, workers also do not have to hand over IDs or papers to ICE. Any information they give to ICE may be used against them later.

### Warrants

**Arrest warrants** authorize law enforcement to arrest an individual. Even judicially signed arrest warrants do not give government officials rights to search your facility.

If an officer has a **judicial warrant**, ask to see it. The warrant will list where officers are allowed to search and what can be seized. Object if officers go in nonpublic locations or take items not on the warrant or in plain view. Judicial warrants should have a judge's signature and they expire 14 days after they have been issued.

**Administrative warrants** are not court orders. An ICE warrant will be signed by an immigration officers rather than a judge. These do not give officials the right to enter your facility. These can be used in public to detain the person named in the warrant.

Look for:

1. Who issued the document?
2. Does it authorize a search of the facility? What does it authorize?
3. Has it expired? Have more than 14 days elapsed since it was signed?
4. Is it signed by a judge and not an immigration official?

For more information on identifying warrants and subpoenas, please see [this resource](#).

### Key Phrases to Practice

- "I am not authorized to speak with you." Then remain silent.
- "I do not want to answer any of your questions." Then remain silent.
- "Do you have a warrant? Please pass it under the door."
- "I do not consent to your entry."
- "I do not give you permission to search me."
- "Am I being detained?"

- “Am I free to go?”
- And if you are not free to leave, “I do not want to talk to you until I speak to a lawyer.” Then remain silent.

### Documenting the Encounter

Announce you are recording a video and stay a safe distance away. Only record agents.

Document:

- Date and time
- Number and names/badge numbers of officers. Take photos of credentials.
- Who did officers say they were (from what agency) and why did they say they were there.
- Did they present a judicial warrant? Did you ask? Take a photo of documentation.
- What happened? Did they take pictures? Make arrests? Have weapons? Mistreat or yell at anyone? Prevent anyone from moving freely?

For more information about and how to document immigration enforcement interactions, please see [this resource](#).

### After the Encounter

If anyone was arrested, ask where they are being taken so you can help their family and a lawyer find them.

Provide a space for staff to debrief and discuss the encounter. If as a result of an ICE audit or raid, you determine that an employee does not have proper work authorization, consider offering leave while the worker applies for work authorization. If you need to terminate the employee, pay wages and benefits promptly. You should also consider providing a reference for the worker and offering separation pay.

## **6. Helpful Resources**

**-Public Counsel Know Your Rights Webinar Recording for Nonprofits and Small Businesses**

-Work Authorization FAQ for Employers

-Guidance for Employers

-Guidance to Nonprofits Regarding Immigration Enforcement

-Guidance and Model Policies to Assist California’s Healthcare Facilities in Responding to Immigration Issues

-Guidance for K-12 Schools

-Guidance for Homeless Service Providers

-Guide for Early Childhood Programs

-Red Cards

- These know your rights cards are helpful for staff and customers. They are free for nonprofits.
- [Trump's Rescission of Protected Areas Policies Undermines Safety for All](#)
- [ICE Detainee Locator](#)
- [CA Lawyer Search](#)

This document provides general guidance only and should not be construed as legal advice. The information in this document may change over time. If your small business or nonprofit needs legal assistance, or if you have further questions about these topics, please contact Public Counsel's Community Development Project at (213) 385-2977, ext. 200 or apply for our services online at: <https://publiccounsel.org/programs/community-development-project/get-help/>. The Community Development Project provides free legal assistance to qualifying low-income entrepreneurs and

qualifying nonprofit organizations that share our mission of serving low-income communities and addressing issues of poverty within Los Angeles County.

**ATTACHMENT:**  
**Template Policies for Nonprofits and Small Businesses**

## TEMPLATE I: GENERAL LAW ENFORCEMENT/ICE ENCOUNTER POLICY

### **[YOUR ORGANIZATION'S NAME]'S POLICIES ON ENCOUNTERS WITH LAW ENFORCEMENT/IMMIGRATION ENFORCEMENT AGENTS**

[Your organization's name] is providing procedures for staff to use in possible interactions with law enforcement/immigration enforcement agents or with clients and housing residents if Immigration and Customs Enforcement (ICE) agents, law enforcement officials, or Customs and Border Patrol (CBP) agents present themselves on [your organization's name] premises, including our offices and housing and other properties.

[Your organization's name] is dedicated to serving people, regardless of income, where they are from, or their individual circumstances. [Your organization's name] strives to create a safe environment for staff, clients, residents, and anybody seeking services from the organization.

This policy and procedure applies to all [your organization's name] sites.

### **ROLES OF AUTHORIZED REPRESENTATIVES AND STAFF IN AN ENCOUNTER**

1. [Your organization's name] will designate staff members as the Authorized Representatives (for the affordable housing buildings – “Owner’s Representatives”) should interaction with law enforcement/ICE agents take place. At least one Authorized Representative will be onsite at [your organization's name]'s main office during business hours to handle any inquiries by immigration agents or law enforcement officials either at the office, or to travel to another [your organization's name] site (e.g., affordable housing building) should such officials appear.
2. The Authorized Representatives(s) at [your organization's name] will handle ALL contacts with law enforcement or immigration agents at [your organization's name] sites. At many of [your organization's name]'s affordable housing buildings, [your organization's name]'s partner organization for that building will assume Authorized Representative (or Owner’s Representative) responsibilities for that building. In this instance, [your organization's name] Authorized Representatives will be in contact with these Partner Authorized Representatives to coordinate training and activities.

See the attached for a list of [your organization's name] Authorized Representatives, and those serving as "Owner's Representatives" at [your organization's name]'s affordable housing buildings.

3. More specifically, the Authorized Representatives(s) will:

- Attend trainings related to law/immigration enforcement and geared towards the Authorized Representatives(s) duties. Through these trainings the Authorized Representatives will be required to learn how to:
  - Validate a properly issued court order, warrant, subpoena, or summons.
  - Differentiate between administrative requests and court ordered requests.
  - Correctly identify the information required on a court ordered request and ensure [your organization's name] does not provide more than the required information.
  - Properly interact with immigration agents and law enforcement to deescalate the situation in the hopes of preventing a raid, especially if the agents lack authority from the courts to enter [your organization's name] premises.
  - Help implement policies and procedures and ensure staff are assigned to specific duties during a potential or actual immigration raid, including making sure professionals identified to provide assistance (such as attorneys, the media, etc.) are notified immediately.
  - Provide guidance to other [your organization's name] staff on what to do in relation to interaction with immigration agents and law enforcement.
  - Inform clients and residents in close proximity to the officers, as appropriate, that law enforcement officials are at the site, and remind them that they all have the right to remain silent.
  - Appropriately document all the facts about a raid, including any and all actions taken by ICE agents that may be unlawful, the information contained in the warrant, the names and badge numbers of ICE agents, the names and dates of birth of detained immigrants, and contact information for all witnesses.
- Have available the contact information for at least one immigration attorney or a lawyer, such as a nonprofit legal organization, who can be available via phone if law enforcement or immigration agents comes to a [your organization's name] site.

4. If other [your organization's name] staff, or property management staff at [your organization's name] buildings come across immigration agents or law enforcement, they will immediately contact the Authorized Representatives(s) and politely inform the immigration agent or other law enforcement official that

only designated individuals are authorized to answer their questions, review a warrant or to consent to their entry into [your organization's name] premises.

5. If an immigration agent or law enforcement official contacts [your organization's name] or one of [your organization's name]'s buildings via phone or email, staff will direct them immediately to the Authorized Representatives on duty and will politely inform the immigration or other law enforcement officials that only the designated individuals are authorized to answer their questions.
6. A "Code Yellow" will be used to alert personnel and Authorized Representatives of the presence of law enforcement/immigration agents, and the possibility of an immigration raid. Should someone call a Code Yellow, an Authorized Representative should be immediately alerted and put into contact with the person who issued the Code Yellow alert. All staff, as well as volunteer receptionists, will be notified of what a "Code Yellow" means and what to do.
7. As part of the protocols for Code Yellow, staff will be directed to:
  - Specified staff will calmly inform clients and residents of law enforcement/immigration agents' presence at the building and remind them of KYR information, including their right to remain silent. Staff will also inform clients and residents that they are taking steps to protect their clients and residents and their information.
  - Receptionist, visitor contact and property management staff, as well as Authorized Representatives will attempt to document all the facts about the raid (actions taken) including:
    1. the date, time, description of the encounter
    2. what you said, what the agent said or what questions were asked by the agent
    3. any identification of the agent (name and badge numbers of agents)
    4. number of agents
    5. information regarding the warrant or other legal document
    6. whether they had any weapons
    7. whether agents blocked exits or restricted movements
    8. any property taken/searched, persons questioned, names of persons detained
    9. how the encounter ended, any details of agents using intimidation or force
    10. names of any witnesses

#### **PROTOCOL IF IMMIGRATION OR LAW ENFORCEMENT HAVE ALREADY ENTERED [YOUR ORGANIZATION'S NAME] PREMISES**

1. [Your organization's name] staff that encounter immigration agents or law enforcement, will immediately notify the Authorized Representatives on duty of the presence of immigration officials or law enforcement.



- Staff who encounter immigration agents or law enforcement are asked to:
  - Remain calm, and remember that you are NOT REQUIRED to answer any questions from law enforcement or immigration. You have the right to REMAIN SILENT.
  - Politely inform the agent(s) that you will contact the Authorized Representatives that can help answer their questions or requests.
  - Staff should not put themselves in situations where they feel threatened or in harm's way.
- 2. The Authorized Representatives will come to meet with immigration officials or law enforcement on the premises; they will:
  - Direct the agent to a location away from clients and residents (e.g., the lobby or exterior entryway to the building), if possible
  - Ask the agent(s) why they are there and request to see the agent's badge and write down his or her name and badge number. If possible the Authorized Representatives will instruct another member on staff to make a photo copy.
  - If the agent tries to enter into the premises, advise the agent that the premises are private property
  - Clearly let the agent know that you DO NOT CONSENT to a search of private areas without a properly issued court-ordered warrant, or a subpoena or summons issued by a judicial officer, or a grand jury
  - Validate all legal documentation presented (such as a warrant, court order, etc.) BEFORE allowing them to enter the premises. ONLY provide information [your organization's name] is required to provide in accordance to presented legal documents and the law.
  - The Authorized Representatives will document all information that is provided and make a photocopy of all legal documents presented.

## TEMPLATE II: POLICY REGARDING LAW ENFORCEMENT/ICE ATTEMPTS TO ENTER PROPERTY

The “PRIVATE PROPERTY NOTICE” (NOTICE) will be posted by Property Management near building entrances, including the primary public entrance.

### I. Procedures if law enforcement/ICE agents appear at [Your Organization’s Name] Offices

- A. If a visitor requests entry, as you would normally, ask the visitor who they are before allowing entry. If they identify themselves as an agent or officer with ICE or law enforcement, you should politely say that you are not authorized to consent to any requests, and that you will call an Authorized Representative to the front.
  1. **Immediately contact the Authorized Organizational Representative as listed below. Call these Authorized Representatives and say this is a “Code Yellow” situation, unless there is another reception person who can watch the front desk and entry door, in which case you can go and find the Organizational Representatives:**

First:	Name (xxx-xxx-xxxx); if unavailable,
Second:	Name (xxx-xxx-xxxx); if unavailable,
Third:	Name (xxx-xxx-xxxx); if unavailable,
Fourth:	Name (xxx-xxx-xxxx)
  2. You can then inform the agent or officer that an Authorized Representative will be coming to the front to respond to their request, ask them to wait.
  3. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
  4. You legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. You should say that you are not trained and not authorized to determine the validity of warrants, again saying only the Authorized Representative can make that determination and allow entry.
  5. **Do not consent to any requests from the agent(s)**, and reiterate that you do not have the authority to provide consent or respond to any questions.
  6. If you can, take a phone video recording of the event, and announce that you are recording the event.

- B. If a visitor has entered the premises through some other means, as you would normally, you should ask, "Can I help you?", and ask who the visitor is. If they identify themselves as an agent or officer with ICE or law enforcement, you should politely ask them to leave, as this is private property.
1. You do not have to put yourself in a situation where you feel threatened or in harm's way; you should not try to force them to leave or get in their way. Simply reiterate that you do not have the authority to allow them access to the premises and do not consent to any action or request.
  2. **Immediately contact the Authorized Representative as listed above. Call or talk to these Authorized Representatives and say this is a "Code Yellow" situation.**
  3. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
  4. If you can, take a phone video recording of the incident, and announce that you are recording the event.
- C. Immediately after you have contacted the Authorized Representative, document what happened (if possible, video the incident) including:
1. the date, time, description of the encounter
  2. what you said, what the agent said or what questions were asked by the agent
  3. any identification of the agent (name and badge numbers of agents)
  4. number of agents
  5. information regarding the warrant or other legal document
  6. whether they had any weapons
  7. whether agents blocked exits or restricted movements
  8. any property taken/searched, persons questioned, names of persons detained
  9. how the encounter ended, any details of agents using intimidation or force
  10. names of any witnesses

## **II. Procedures if someone calls saying this is a "CODE YELLOW" situation**

- A. If someone calls (probably a property management employees at one of [your organization's name]'s housing buildings), and says they have a "CODE YELLOW" situation: find out where they are calling from (which building), and explain that you will immediately contact an Authorized Representative, and that you will put them on hold and get back on the line when you have reached them.
1. **Immediately contact the Authorized Representative as listed below. Say this is a "Code Yellow" situation, and let them know where the caller is calling from (one of [your organization's name]'s buildings):**

First: **Name (xxx-xxx-xxxx); if unavailable,**  
Second: **Name (xxx-xxx-xxxx); if unavailable,**

**Third:**        **Name (xxx-xxx-xxxx); if unavailable,**  
**Fourth:**     **Name (xxx-xxx-xxxx)**

- B. Find out which Authorized Representative(s) will be going out to the site, and how soon they will be leaving. Let the Representative know you will get back on the phone with the caller and get more information from the caller.
- C. Get back on the phone with the caller – let them know which Authorized Representative(s) will be coming to their site. Ask him/her to remain calm, and get as much information as possible about the situation (if they are able – they may not feel comfortable saying much if law enforcement/ICE agents are in their immediate presence), including:
  - 1. Did they identify themselves as ICE agents or other law enforcement officials?
  - 2. What time did they arrive
  - 3. How many are there
  - 4. Description of the situation – are they being intimidating, or civil?
  - 5. What did they say
  - 6. What are they currently doing

**Relay this information to the Authorized Representative**

- D. If you can, stay on the phone with the caller. (This can provide the caller with an excuse to not have to deal with the agents at the scene, and provide time for the Authorized Representatives to arrive). Remind the caller:
  - 1. He/she can tell the agents or officials that an Authorized Representative is on their way to address their requests.
  - 2. He/she does not have to put himself in a situation where they feel threatened or in harm's way; they can simply reiterate that they do not have the authority to allow them access to the premises and do not consent to any action or request.
  - 3. They legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. They should say that they are not trained and not authorized to determine the validity of warrants, saying only the Authorized Representative can make that determination and allow entry.
  - 4. They are legally not required to answer any questions. They have the legal right to remain silent, and they should feel comfortable exercising that right.
  - 5. Ask them to document what is happening if possible, including video recording.

**III. Procedures if someone calls saying they are an ICE agent or other law enforcement official**

- A. As you would normally, ask the caller who they are calling for and who they are. If they identify themselves as an agent or officer with ICE or law enforcement, you

should politely say that you will put them on hold and have them speak to an Authorized Representative of the organization.

1. **Immediately contact the Authorized Organizational Representative as listed below (do not immediately transfer the call to them). Call or talk to these Authorized Representatives and say this is a “Code Yellow” situation, before transferring the call to their direct line:**

**First:**           **Name (xxx-xxx-xxxx); if unavailable,**  
**Second:**       **Name (xxx-xxx-xxxx); if unavailable,**  
**Third:**          **Name (xxx-xxx-xxxx); if unavailable,**  
**Fourth:**        **Name (xxx-xxx-xxxx)**

2. You can then inform the agent or officer that you are transferring their call to an Authorized Representative who can speak to them. Transfer the call.

## TEMPLATE III: POLICY REGARDING LAW ENFORCEMENT/ICE ATTEMPTS TO ENTER HOUSING PROPERTY

### **New policies and procedures if ICE agents or any law enforcement attempt entry to private property:** **([Your Organization's Name] Responsible for Response)**

Post the "PRIVATE PROPERTY NOTICE" (NOTICE) near building entrances, including the primary public entrance.

- A. If a visitor requests entry, as you would normally, you (any staff at property) should ask the visitor who they are before allowing entry. If they identify themselves as an agent or officer with ICE or law enforcement, you should point to the PRIVATE PROPERTY NOTICE, which directs them to present a valid judicial warrant to the contact (Owner's Representative) at the corporate office/Owner.
  - 1. If you want, you can politely explain that these are the instructions given to you (as Property Management staff regardless of position) by the Owner of the Property, which you are required to follow, and that you will contact an Owner's Representative to come to talk to the agents.
  - 2. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
  - 3. You legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. You should say that you are not trained and not authorized to determine the validity of warrants, again referring them to the NOTICE.
  - 4. **Do not consent to any requests from the agent(s)**, and reiterate that you do not have the authority to provide consent or respond to any questions.
  - 5. **Immediately** (whether they leave or persist to request entry) **contact the Owner representative at the number provided below and say that your call is a "CODE YELLOW" (staff at [your organization's name] will be trained on what this means).**
    - i. An Owner's Representative from [your organization's name] will be dispatched to the site; you can inform the agents of this fact and ask them to wait.
  - 6. If you can, take a phone video recording of the event, and announce that you are recording the event.
- B. If a visitor has entered the premises through some other means, as you would normally, you should ask who the visitor is. If they identify themselves as an

agent or officer with ICE or law enforcement, you should politely ask them to leave as this is private property, and again you can refer them to the NOTICE.

1. You do not have to put yourself in a situation where you feel threatened or in harm's way. Simply reiterate that you do not have the authority to allow them access to the premises and do not consent to any action or request.
  2. You legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. You should say that you are not trained and not authorized to determine the validity of warrants, again referring them to the NOTICE.
  3. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
  4. **Immediately** (whether they leave or persist to request entry) **contact the Owner representative at the number provided below and say that your call is a "CODE YELLOW" (staff at [your organization's name] will be trained on what this means).**
    - i. An Owner's Representative from [your organization's name] will be dispatched to the site.
  5. If you can, take a phone video recording of the incident, and announce that you are recording the event.
- C. If a law enforcement/ICE agent says they are unwilling to wait for an Owner representative, or insists on entry based on a warrant in their possession, and you feel uncomfortable continuing your interaction with the agent(s) – you can walk away, and not put yourself in a situation where you feel threatened or unsafe.
1. If you feel uncomfortable walking away, you may -- without opening the gate or providing consent for entry, ask to see the warrant.
    - i. Note that if the warrant is an administrative warrant, and is not signed by a judge, you do not have to allow entry.
    - ii. You should continue to say that you do not have the authority to allow them access and you are not authorized to provide consent
    - iii. If you see the warrant, you should take a picture of it (using your phone). (Note that if you touch the warrant, even if it is a valid judicial warrant, this does not constitute "service" – you can still assert that you are not authorized to provide consent).
  2. **You do not have to consent to any requests from the agent(s),** and reiterate that you do not have the authority to provide consent or respond to any questions.
    - i. You cannot be charged with a crime for saying you are not authorized to provide consent, and for not opening or unlocking the door or gate, and you have the right to remain silent and not respond to their questions.
  3. If they attempt to force their way in, or follow a resident in, do not attempt to get in their way or physically stop or confront them
  4. If you can, take a phone video recording of the incident, and announce that you are recording the event.

- D. Immediately after you have contacted the Owner Representative, document what happened including: the date, time, description of the encounter (what you said, what the agent said or what questions were asked by the agent), any identification of the agent (name and badge numbers of agents), number of agents, information regarding the warrant or other legal document, whether they had any weapons, whether agents blocked exits or restricted movements, any property taken/searched, persons questioned, names of persons detained, how the encounter ended, any details of agents using intimidation or force, provide names of any witnesses.

**OWNER REPRESENTATIVE TO CONTACT (saying this is a “CODE YELLOW”):**

First:       **Name (xxx-xxx-xxxx); if unavailable,**  
Second:     **Name (xxx-xxx-xxxx); if unavailable,**  
Third:       **Name (xxx-xxx-xxxx); if unavailable,**  
Fourth:      **Name (xxx-xxx-xxxx)**



## **TEMPLATE IV: ROLES OF AUTHORIZED REPRESENTATIVES IN AN ENCOUNTER WITH ICE AGENTS OR LAW ENFORCEMENT**

[Your organization's name] will designate staff members as the Authorized Representatives (for the affordable housing buildings – “Owner’s Representatives”) should interaction with law enforcement/ICE agents take place. These designated Representatives will handle ALL inquiries by immigration agents or law enforcement officials either at the office, or will travel to another [your organization's name] site (e.g., affordable housing building) should such officials appear.

At many of [your organization's name]'s affordable housing buildings, [your organization's name]'s partner organization for that building will assume Authorized Representative (or Owner’s Representative) responsibilities for that building. Authorized Reps should keep the list of Owner’s Representatives handy to refer to it should a call come in from a housing site

### **IF YOU RECEIVE A “CODE YELLOW” CALL**

1. If you receive a CODE YELLOW call, either on your direct line, or the receptionist received one and transfers it to you, be prepared to drop what you are doing and respond immediately
2. Find out what building they are calling from
  - a. Double check the Owner’s Representative list to see if our partner organization is supposed to be contacted first as an Owner’s Rep
  - b. If so, find out if the caller has tried to contact the partner Owner’s Reps (or otherwise, call them yourself)
  - c. Let the caller know approximately how soon an Owner’s Rep will arrive, and who it will be
3. If you are designated as an Owner’s Rep for the building, see if other Owner’s Reps are available to go – it is always best for two Reps to go to the site together, if possible.
4. Call an attorney from our referral list to see if they would be available to consult over the phone after you arrive at the site

### **IF A CODE YELLOW IS CALLED AT THE [YOUR ORGANIZATION'S NAME] RECEPTION**

1. If the receptionist informs you that ICE agents or law enforcement is at the front door, the office entry, or already inside the office, try to find another Authorized Rep to accompany you to the reception area or wherever the agent is
  - a. Let the receptionist know that you will come to the front and have them inform the agent or official that you will be there and to please wait

- b. Ask the receptionist to help document what takes place when you interact with the agent or official (written notes or phone video)
  - c. Call an attorney from our referral list to see if they are available to consult over the phone once you interact with the agent or official
- 2. If the receptionist informs you that ICE agents or law enforcement has called the [your organization's name] main line, have the call transferred to you and speak to the agent or official
  - a. Take notes to fully document the phone call

## **INTERACTION WITH ICE AGENTS OR LAW ENFORCEMENT AT THE OFFICE OR BUILDING ENTRY**

1. If the agent(s) are outside of the front door, speak to them through the door – DO NOT OPEN THE DOOR.
2. If they are in the lobby at the office entry area -- ask the agent or official to speak with you away from the entry, not inside the office
3. Ask the agent(s) why they are there and request to see the agent's badge and write down his or her name and badge number. If possible the Authorized Representatives will instruct another member on staff to make a photo copy.
4. If the agent tries to enter into the premises, advise the agent that the premises are private property and that you do not consent to their entry
5. Note that if the visitor is a law enforcement official that you have a relationship with, use your judgment – depending on the nature of the relationship – how to handle your interaction, but
  - a. You should still decline a request to enter the premises without a valid judicial warrant
  - b. You should still limit what you say and information you provide as much as possible
6. If they say they have a warrant allowing them access, ask them to produce the document
  - a. If you need to open the door (e.g., the front door) in order to get the document, say "I am opening this door only to receive your document – I am NOT consenting to you entering"
  - b. Review the document to determine if it is a valid judicial warrant, or other document
  - c. If you are not certain if it is a valid judicial warrant, tell the agent(s) that you are not certain this is valid, you therefore cannot consent to their entry, but that you will try to contact our attorney to consult with them – and ask them to wait
7. Depending on happens, you may need to:
  - o Attempt to interact with immigration agents and law enforcement to deescalate the situation, especially if the agents lack authority from the courts to enter [your organization's name]'s premises.
  - o If the agents lack authority from the courts to enter the premises, you should politely say that you decline any request for entry or search, and

DO NOT CONSENT to a search of private areas without a properly issued court-ordered warrant, or a subpoena or summons issued by a judicial officer, or a grand jury

- You are legally not required to answer any questions, or consent to any requests that are not authorized by the courts
- If the agents have a valid judicial warrant, carefully review what is authorized under the warrant, and take steps to limit the activities and/or searches by the agents or official solely to what is specified in the warrant
- Appropriately document all the facts about the encounter, including any and all actions taken by ICE agents or law enforcement, including:
  - the date, time, description of the encounter
  - what you said, what the agent said or what questions were asked by the agent
  - any identification of the agent (name and badge numbers of agents)
  - number of agents
  - information regarding the warrant or other legal document
  - whether they had any weapons
  - whether agents blocked exits or restricted movements
  - any property taken/searched, persons questioned, names of persons detained
  - how the encounter ended, any details of agents using intimidation or force
  - names of any witnesses

## **INTERACTION WITH ICE AGENTS OR LAW ENFORCEMENT WHO ARE ALREADY ON THE PREMISES**

1. Ask the agent(s) why they are there and request to see the agent's badge and write down his or her name and badge number. If possible, the Authorized Representatives will instruct another member on staff to make a photo copy.
2. Advise the agent that this is private property and that you request that they speak to you outside of the premises (i.e., to leave the office or the building premises)
3. If the agents lack authority from the courts to enter the premises, you should politely ask them to leave the premises, and that you DO NOT CONSENT to a search of private areas without a properly issued court-ordered warrant, or a subpoena or summons issued by a judicial officer, or a grand jury
4. You do not have to put yourself in a situation where you feel threatened or in harm's way; you should not try to force them to leave or get in their way. Simply reiterate that you request they leave the premises.
5. Possible responses are the same as described in Section 5 above.

## TEMPLATE V: DOCUMENTING ICE ENCOUNTERS

If possible, document everything you can from any incident or encounter with ICE agents or officials. If you feel comfortable, you can video record the incident on your phone. If you do so, ANNOUNCE THAT YOU ARE RECORDING. Otherwise, you can take notes, and later write up full notes. This information can be used in the future, possibly in court, to document any illegal actions taken by ICE agents, which can be used to stop or reverse any course of action ICE may be taking against residents, clients or [your organization's name]'s properties.

Document what happened in the encounter including:

1. the date, time, description of the encounter
2. what you said, what the agent said or what questions were asked by the agent
3. any identification of the agent (name and badge numbers of agents)
4. number of agents
5. information regarding the warrant or other legal document
6. whether they had any weapons
7. whether agents blocked exits or restricted movements
8. any property taken/searched, persons questioned
9. the names of persons detained
10. how the encounter ended, any details of agents using intimidation or force
11. names of any witnesses

## TEMPLATE VI: PRIVATE PROPERTY NOTICE

This is **private property**.

The building owner and the property manager are not authorized to allow anyone to access or enter the property, including for purposes of a search, seizure or arrest, without a legally valid and executed judicial warrant. Additionally, the property manager at this property is not authorized to determine the validity of such documents. Accordingly, you should direct any and all warrants and/or legal documents of any kind to the corporate office for the owner of this property at the following address:

[List name and address of  
person/organization who will be  
the Owner's Representative]

# JUDICIAL WARRANTS, SUBPOENAS AND OTHER IMMIGRATION ISSUED DOCUMENTS; MODEL POLICES

PRESENTATION FOR BUILDING OWNERS AND PROPERTY  
MANAGEMENT COMPANIES

JANUARY 2025

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 themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and 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 \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

# WARRANT FOR ARREST OF ALIEN

## In removal proceedings under section 240 of the Immigration and Nationality Act

File No: \_\_\_\_\_

In the Matter of: \_\_\_\_\_

Respondent: \_\_\_\_\_ currently residing at: \_\_\_\_\_

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☐ 3. You have been admitted to the United States, but are deportable for the reasons stated below:

The Department of Homeland Security alleges that you:

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.☐ Section 235(b)(1) order was vacated pursuant to : ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: \_\_\_\_\_

(Complete Address of Immigration Court, including Room Number, if any)

on \_\_\_\_\_ at \_\_\_\_\_ to show why you should not be removed from the United States based on the charge(s) set forth above.

(Date)

(Time)

(Signature and Title of Issuing Officer)

Date: \_\_\_\_\_

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

# NOTICE TO APPEAR



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_

Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

\_\_\_\_\_  
(Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

\_\_\_\_\_  
(Date and office location)

# WARRANT OF REMOVAL/ DEPORTATION

## UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

)  
)  
)  
)  
)  
)

Case No.

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search  
of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_  
(Identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish(es) probable cause to search and seize the person or property  
described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before \_\_\_\_\_ (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is warranted below, you must give a copy of the warrant and a receipt for the property taken to the  
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the  
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory  
as required by law and promptly return this warrant and inventory to \_\_\_\_\_

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.  
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose  
property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: \_\_\_\_\_ Judge's signature

City and state: \_\_\_\_\_ Printed name and title

# FEDERAL SEARCH AND SEIZURE WARRANT

## UNITED STATES DISTRICT COURT

for the

United States of America  
v.

Case No.

\_\_\_\_\_  
*Defendant*

## ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) \_\_\_\_\_,  
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Date: \_\_\_\_\_

\_\_\_\_\_  
*Arresting officer's signature*

City and state: \_\_\_\_\_

\_\_\_\_\_  
*Printed name and title*

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Arresting officer's signature*\_\_\_\_\_  
*Printed name and title*FEDERAL  
ARREST  
WARRANT

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY <b>IMMIGRATION ENFORCEMENT SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding) (File Number, if Applicable)	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official

(Signature)

(Printed Name)

(Title)

(Date)

# DEPT. OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA

## Painting

**V.**

### Deployment

Civil Action No.

**Tox**

(Name of person to whom this subpoena is directed)

Play	
------	--

### de and Time:

Place:

Date and Time:

Date: \_\_\_\_\_

**CLERK OF COURT**

**OK**

*Signature of Clerk or Deputy Clerk*

**Attorney's signature**

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

# FEDERAL JUDICIAL SUBPOENA

# MODEL WRITTEN POLICY: IMMIGRATION ENFORCEMENT VISITS

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- Designate a point manager/owner that is authorized and trained to respond to judicial warrants, administrative warrants, subpoenas, court orders, and the release of records on property.
- Train designated manager/owner to do the following when immigration enforcement arrives:
  - Remain calm
  - Ask for warrant
  - If no warrant, individual may politely decline access to private areas.
  - If a warrant is presented, the designated individual should examine the warrant to make sure it is: (i) signed by a judge; (ii) still valid (served in the permitted time frame); and (iii) understand the scope of the warrant.
  - If appeals valid warrant, inspect and seek legal counsel before granting access
  - Inform staff and Union(s) representing workers re the visit/warrant.



# MODEL WRITTEN POLICY: IMMIGRATION ENFORCEMENT VISITS

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- Support training to staff at building/property (including private security, janitorial, maintenance, supervisors, managers, receptionist/clerical) to respond to immigration enforcement by:
  - Remaining calm
  - Referring them to the designated responding Manager
  - Politely deny access/state “I do not have authority to grant access.”
  - Asserting the right to remain silent and continue working
- Include protocol regarding requests for specific individuals:
  - Designated staff should be trained not to lie and not to hide the individual. If ICE has a valid **judicial** (not administrative) warrant to arrest an individual, the individual should be asked to walk outside or to a public area.

# MODEL WRITTEN POLICY: IMMIGRATION ENFORCEMENT VISITS

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- Designate a specific private area without access to other private areas, if possible, to interact with immigration enforcement.
- Document Immigration Enforcement's actions with as much detail as possible:
  - Consider property policy allowing recording in all areas if it involves immigration enforcement officer activity
  - Communicate policies/bargain with Union when required
  - Make copies of all papers provided by immigration enforcement
- Clearly designate private and public space by:
  - “Private” demarcation through signage
  - Secured barriers/doors