



For Further Information Contact:
Employer Services Section
800-331-3276 ext. 126
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LABOR BRIEF ICE ENFORCEMENT ACTIVITY

Immigration and Customs Enforcement (ICE) is the investigative and enforcement agency within the Department of Homeland Security. One of the responsibilities of this agency is to ensure the departure of illegal aliens through the enforcement of the nation's immigration laws. Here are the ways that ICE may contact you:

1. **An I-9 audit.** This is a common way for an investigation to begin. If you are advised that ICE wishes to audit your records, you should ask for three days to prepare for the audit. Please contact Farm Bureau or refer to our Employer Deskbook to prepare for the audit.
2. **Arrest warrant.** An agent may have a warrant to arrest a person who is in our country and has committed a crime or missed an immigration hearing. If an agent approaches your business and indicates that he/she has an arrest warrant, cooperate with as little fanfare as possible. Try to keep the agent out of your offices; if possible unite the agent and the worker in a parking lot or some other public place. If ICE believes the person is armed and dangerous, agents may enter your property without seeking permission or even notifying you.
3. **Search warrant.** An agency may obtain an administrative search warrant to gain entrance into your operation.. If an administrative warrant is presented to you, read it, do not give it back to the agent, and contact your attorney for advice. If the agent asks for the warrant back, make a copy of it. Try to obtain a business card from those who enter, or ask to see a badge or something with the name and affiliation of people entering your property under this warrant. Do not allow agents from agencies that are not specified on the warrant onto your property, unless they have their own warrant. For example, if ICE is conducting an immigration investigation, and someone from the Department of Agriculture wants to "assist," tell the person from the Department of Agriculture to come back later. Two or more agencies can work together, but they each need their own warrants.

What Should You Tell Your Workers?

Workers must be instructed that they should not run, that the safest place for them is at work, and that they may not grant permission for any government agent to enter your property. Crew leaders and workers should be prepared to give the name and phone number of the person or persons you have designated to work with state or federal agents who seek access to your property.

ICE agents may question and detain anyone that they encounter **in a public place**. On the other hand, if workers remain within the confines of a private dwelling or business, ICE may only detain an individual specified in a warrant.

Workers should always carry valid identification, such as a Washington driver's license or a Matricula Consular card, and should be prepared to identify themselves to any law enforcement official.

Workplace Procedures

Develop a clear company policy regarding who can grant access to your property and **post signs directing visitors to report to the office**. Lead workers and supervisors must be instructed that they cannot grant permission for anyone to enter your property. If government agents enter your property and begin questioning workers, the supervisor should politely ask that they stop questioning workers and instead contact the designated person.

If you are confronted by an agent seeking access to your business, obtain a business card, politely ascertain the purpose of the visit, and ask if the agent has either an arrest warrant or a search warrant. Try to determine which or the circumstances from above apply (I-9 audit, arrest warrant, or search warrant) and respond accordingly.

If you discover an agent - federal or state - walking around on your land, for example, in an orchard, identify the agent, ask for a business card, and ask that they accompany you back to an office, shed, or the public entrance to the property in order to discuss the nature of the visit. If they refuse, explain to them that the general policy of the business is that inspectors need either a search warrant or the permission of management to enter property, and that unless they agree to discuss the inspection, you are asking them to leave. If they do not agree to follow you, call the local sheriff and report the incident, stressing that you consider this person to be trespassing.