

An Employer's Playbook for ICE Audits & Workplace Raids



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Presented By

Richard M. Green

Partner & Chair of CDF's Immigration Practice Group



Bianca N. Saad

General Counsel, Labor and Employment
(Moderator)



Disclaimer



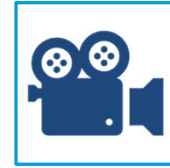
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Housekeeping



Submit questions through the Q&A function.



Keep questions relevant to the current topic.



View links and report issues via Chat.



Webinar runs from 10 a.m. to 11:00 a.m.



A recording of this event will be shared.



HRCI and SHRM credit codes at end – and a survey!



MCLE credits available at seminars@calchamber.com.



Today's Presenter

- **Richard M. Green, Esq.**

- Partner & Chair of CDF's Immigration Practice Group
- Certified Specialist in Immigration & Nationality Law by the California Board of Legal Specialization
- Email: rgreen@cdflaborlaw.com
- LinkedIn: <https://www.linkedin.com/in/rmgreenesq/>

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www.cdflaborlaw.com

About CDF



- ❑ **CDF Represents California Employers Exclusively in Labor, Employment & Immigration Matters**
 - ❑ We cover the full spectrum of labor and employment law - from guiding employers on policies and training to prevent litigation, to defeating individual lawsuits and class action threats with claims from thousands of plaintiffs
- ❑ **Five Offices Throughout California**
 - ❑ Sacramento, San Francisco, Los Angeles, Orange County & San Diego

Risks to Employers from ICE

- **Operational Risk**

- Risks to the continued operation of the business

- **Legal Risk**

- Risk of legal action brought by the US government against the business or its owners

- **Risk Not On The Menu**

- Risks to the employees

Operational Risk



- No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. U.S. Const. amend. V.
- You have the right to remain silent. *Miranda v. Arizona*, 384 U.S. 436 (1966)
- Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with [a federal law enforcement officer] while engaged in or on account of the performance of official duties shall, be fined under this title or imprisoned not more than one year, or both, 18 U.S.C. §111
- The right of the people to be secure in their persons, houses, papers, and effects, against *unreasonable searches and seizures*, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. U.S. Const. amend. IV. emphasis supplied.

Operational Risk, Cont.



□ What is an unreasonable search?

- If the subject has a reasonable expectation of privacy a warrant is generally required.
 - In your home?
 - On the telephone?
 - A letter?
 - A postcard?
 - Walking on the street?
 - Driving/riding in a car?
 - At work?

ICE is here! Where can they go?

- **With a warrant?**
 - ▣ Anywhere they want
- **Does ICE really have a warrant?**



Does ICE Have a Warrant?

A VALID WARRANT SIGNED BY A JUDGE



AO 55 (Rev. 12/07) Search and Seizure Warrant

This is a judicial search warrant. It DOES authorize agents to enter your home.

UNITED STATES DISTRICT COURT - Issued by a COURT.

for the
Eastern District of California

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
540 Oak Avenue
Corte, California 95616

Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer 2:11-SW-0161 EFB

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 EASTERN District of CALIFORNIA.
Identify the person or describe the property to be searched and give the location.
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.
The person or property to be searched, described above, is believed to conceal *identify the person or describe the property to be searched.*
SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 5-9-2011 Date for warrant, not to exceed 14 days
(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable 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

(Name)

☐ 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) Offer _____ days from or extend till.

Until, the facts justify, the later specific date of _____

Date and time issued: 4-25-2011 10:00 AM
City and state: SACRAMENTO CALIFORNIA

Signed by a JUDGE: Ermond P. Brennan
Ermond P. Brennan, U.S. Magistrate Judge

Source: National Immigration Law Center <https://twitter.com/NILC/status/1149755946081538049?s=20>

Does ICE Have a Warrant?

NOT A VALID WARRANT



 **Department of Justice
Immigration and Naturalization Service** **Warrant of Removal/Deportation**

File No: _____
Date: _____

To any officer of the United States Immigration and Naturalization Service:

(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 district director or a district director's 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:
Section 241(a)(5) of the Immigration and Nationality Act (Act), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General 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 the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

(Signature of FBI officer)

FBI OFFICIAL

(Date and office location)

Form I-207 (Rev. 4-18-94)



ICE is here! Where can they go?

- **Without a warrant?**
 - ▣ Initially, anyplace the public may go
 - ▣ Anywhere you allow them to go



What/Who Can ICE Take?

- **With a warrant?**

- The thing(s) or people listed on the warrant

- **Without a warrant?**

- Anyone that they have a reasonable suspicion has violated US immigration law. *Vasquez Perdomo v. Noem*, 606 U.S. __ (2005)
- Anyone that matches the description of a person they know to have violated US immigration law



What To Do BEFORE ICE Shows Up?

- **Clearly delineate what part of the workplace is open to the public, and what part is not.**
- **Control access to the workplace.**
- **Write Policy**
 - ▣ What to do if ICE shows up with a warrant?
 - ▣ What to do if ICE shows up without a warrant?
- **Train staff to implement policy.**
- **Contemplate/plan for the replacement of employees.**



What To Do If ICE Shows Up?

- **Implement Policy**



- **CALL YOUR LAWYER!**



Legal Risks



□ Notice of Inspection of I-9s

- ▣ Three days to produce original I-9s

- ▣ Three flavors of penalties

- Technical Violations: **\$0** to **\$2,789** per violation

- Substantive Violations: **\$698** to **\$5,579** per violation

- Criminal Prosecution

Manage Legal Risks

□ Audit Your I-9s

- ▣ Bring non-compliant I-9s into compliance
- ▣ Purge stale I-9s
- ▣ Audit by Attorney or HR Rep?

□ Take a look at I-9 software

□ Take a look/another look at eVerify

Frequently Asked Question

- **Is there anything I, as an employer, can do to help my employee who I suspect is undocumented regularize their status?**



15-Minute Live Q&A

- **Live review and answers to questions submitted under the Q&A button.**



Contact Information

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October 14, 2025

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HRCI Program: 715118 (1.0)

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