

## MODEL WORKPLACE POLICY FOR RESPONDING TO IMMIGRATION AND CUSTOMS ENFORCEMENT

**Overview.** It is [WORKPLACE'S] general policy not to cooperate with Immigration and Customs Enforcement ("ICE"). This policy provides guidance on what staff members should do if ICE officers attempt to contact [WORKPLACE].

**Privacy.** [WORKPLACE] does not discriminate on the basis of race, ethnic or national origin, religion, gender or gender identity, sexual orientation, or immigration status. [WORKPLACE] does not release any information about clients to any federal agency tasked with the enforcement of immigration laws unless required to by state or federal law or court order.

**Training.** All staff members are required to be trained on this policy on an annual basis. [STAFF MEMBER] is the Designated Responder ("DR") if ICE makes contact with [WORKPLACE]. Absent exigent circumstances, **all requests or warrants from ICE must be run through the DR.** [WORKPLACE] further has an agreement with [ATTORNEY] ("Attorney") for legal assistance should ICE contact [WORKPLACE].

**Responding to ICE Requests for Information.** If [WORKPLACE] is contacted by ICE through phone about any client, the responding staff member is instructed to tell the agent, "We do not disclose any information about our clients." If [WORKPLACE] receives a judicial subpoena from ICE that requests records relating to a client, the staff member must inform the DR immediately, who will contact the Attorney.

**Responding to ICE on Premises.** In the event that ICE officers come onto the premises of [WORKPLACE], staff members must take the following steps:

1. **Deny entry.** Staff members must try to keep a locked door between ICE agents and the facility to keep agents away from clients. Staff are instructed to tell the agents, "You are not allowed on our premises," or "We do not consent to your searching the premises."
2. **Warrant.** In the instance where the ICE agents have a warrant, the staff member must ask for a copy of the warrant. When possible, staff members will immediately inform the DR before taking action. The DR will contact the Attorney and Executive Director.
  - a. **ICE administrative warrant.** An ICE administrative warrant is a document that is signed by a deportation officer and seeks to arrest a person for a civil immigration violation. **An ICE administrative warrant is not a judicial warrant.**
    - i. Accordingly, if a staff member determines the document is an ICE administrative warrant, he or she must tell the agents, "You are not allowed on our premises," or "We do not disclose information about our clients."
    - ii. Common ICE administrative warrants are Forms I-200 and I-205.
  - b. **Arrest warrant.** An arrest warrant must name a *specific* individual and must be signed by a *judge*, not by a deportation officer. ICE very rarely has an arrest warrant signed by a judge.

- i. If a staff member (with the help of the DR) determines the document is an **arrest warrant** (not an ICE administrative warrant), he or she must comply with the arrest warrant.
  - ii. If the ICE agents take anyone into custody, staff members may remind the person that they have the following rights:
    1. To remain silent.
    2. To ask for an attorney.
    3. To not sign anything.
    4. To not reveal any information about their immigration status or place of birth.
  - iii. An arrest warrant does *not* permit an ICE officer access to the individual's records or to search the premises.
- c. **Search warrant.** A search warrant must name a specific date, time, address, what and where the agents can search, and must be signed by a *judge*, not a deportation officer. ICE very rarely has a search warrant.
- i. If any of these elements are missing, the warrant is *not* valid.
  - ii. If a staff member (with the help of the DR) determines the document it is a valid **search warrant**, he or she must allow ICE officers entry.
  - iii. In the course of the search, if the ICE agents take anyone into custody, staff members may remind the person that they have the following rights:
    1. To remain silent.
    2. To ask for an attorney.
    3. To not sign anything.
    4. To not reveal any information about their immigration status or place of birth.

**3. Document.** After any interaction with ICE, staff members must document the interaction in detail, including the:

- a. Date and time of the encounter
- b. Mode of interaction (e.g. mail, phone, in person)
- c. Staff member who received the contact
- d. Name(s), badge number(s), and contact information of the ICE officer(s)
- e. Purpose of the contact (including who they were seeking information about)
- f. Steps taken by the staff member to inform the DR of the contact

The DR will report the contact to the below line for trained advocates to respond and investigate:

ICE Out of California Message Line

(844) 878-7801