

Know Your Rights for Small Businesses

October 8, 2026

Presented by:

Malou Chávez, NWIRP Executive Director
Zina Carroll, NWIRP Staff Attorney

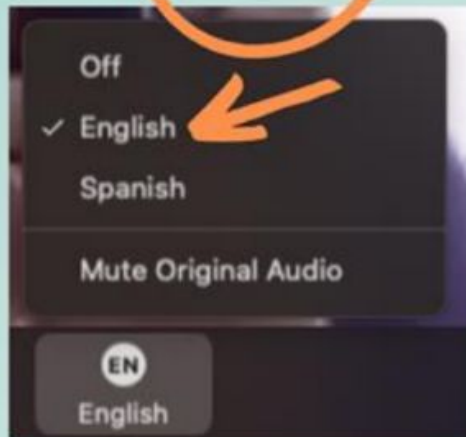
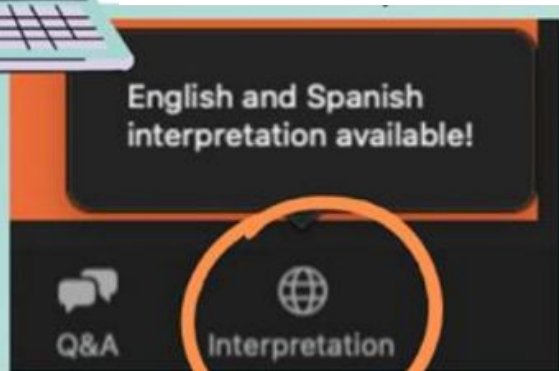
With Support from:

Jay W Stansell, Attorney

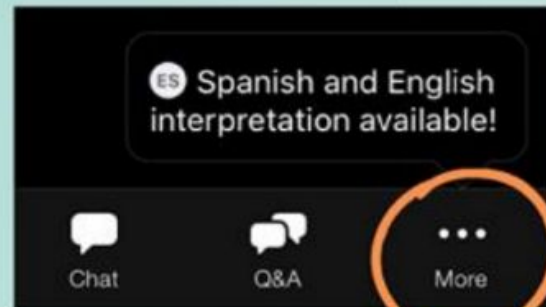
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COMO ACCEDER A LA INTERPRETACIÓN

Por computadora



Por telefono



Spanish and English Slides Available

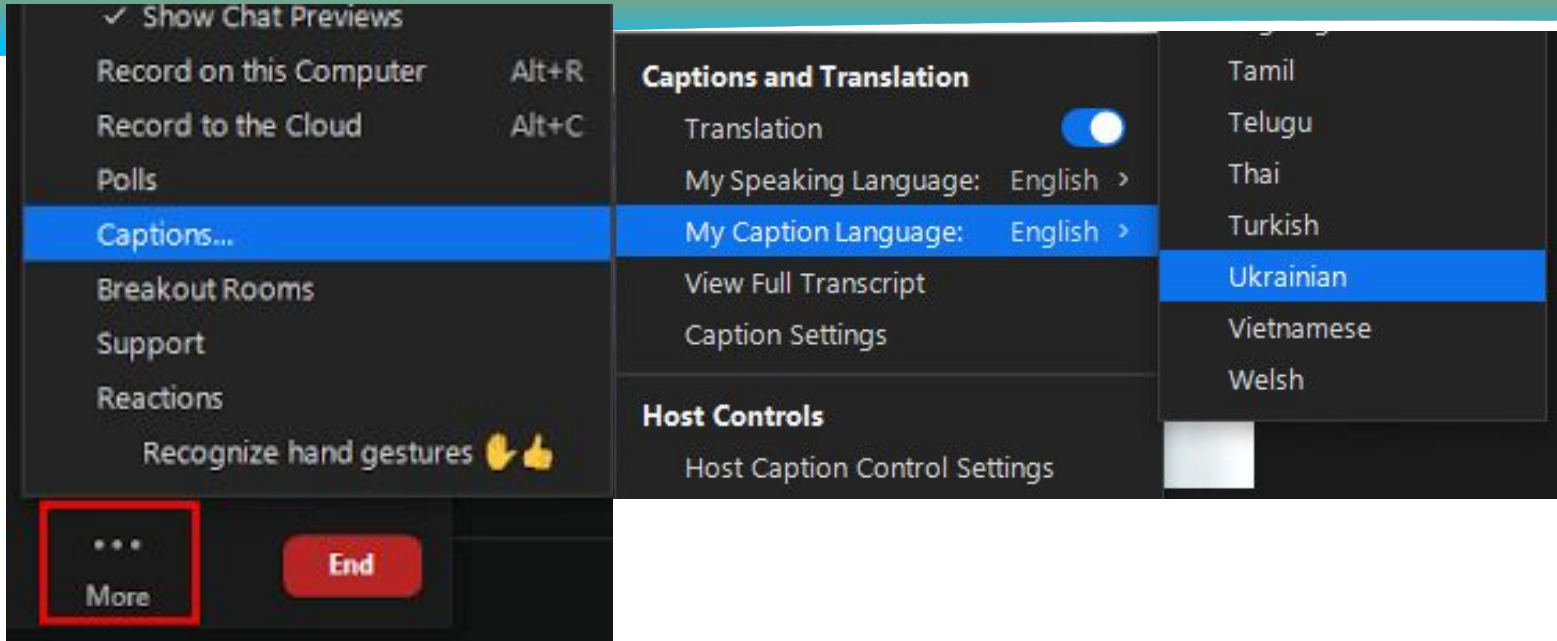
Diapositivas disponibles en inglés y español

- In your Zoom screen, you should see two tabs available
- One tab says “Host - English Slides”
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- The other tab says “Diapositivas Español”
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- *En su pantalla de Zoom, debería ver dos pestañas disponibles*
- *Una pestaña dice "Host - English Slides"*
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During English Presentation: Access Translated Captions



- If you need a language other than English, auto-translated captions are available.
- To access, click “...more” button at the bottom of your zoom > *captions* > toggle on *translation* > then select which language you need.

*****Today's information is intended for educational purposes only*****

- The information provided today is only guaranteed to be updated through today (October 8, 2026)
- Please do not share personal information, only ask general questions
- We recommend you obtain legal advice:
 - to evaluate your individual situation
 - before filing any USCIS forms or motions to immigration court
 - before signing any immigration-related documents
 - before making any decisions about your stay in the country
 - before completing any employment related paperwork

Agenda

1. Introductions
2. Background: Agencies Involved in Immigration Enforcement
3. How to Prepare for an Encounter with Immigration Enforcement
4. During an Encounter with Immigration Enforcement
5. After an Encounter with Immigration Enforcement
6. Termination of Temporary Protected Status for Some Countries
7. Practice!
8. Resources
9. Q&A

1. Introductions

Northwest Immigrant Rights Project (NWIRP)

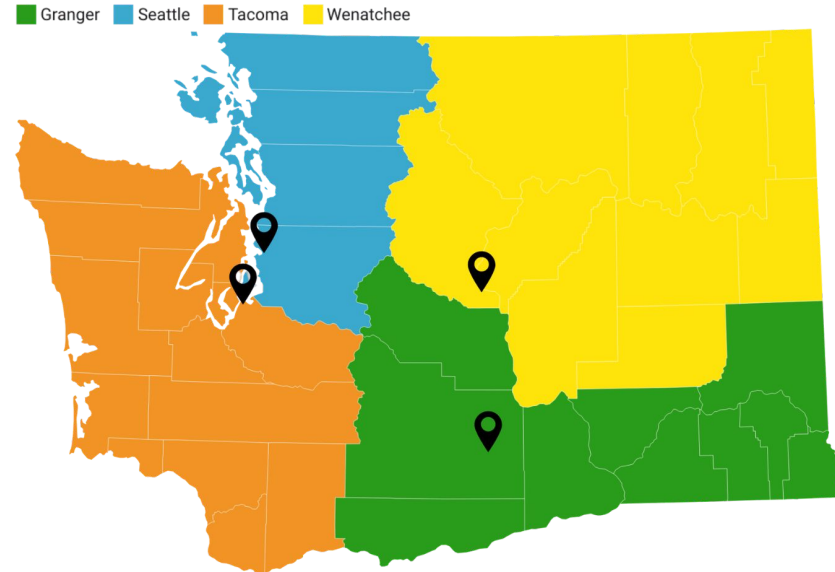
- Nonprofit immigration services provider that provides free legal services to individuals with limited means in Washington
- What we do:
 - Provide individual representation to help community members receive immigration benefits or prevent deportation in immigration court
 - Bring forward lawsuits and engage in advocacy to create positive change in the law
 - Community education, immigration consultations, brief services

1. Introductions

NWIRP Offices and Contact Info

- **Granger:** 509-854-2100 / 888-756-3641
grangerintake@nwirp.org
- **Seattle:** 206-587-4009 / 800-445-5771
seattlefrontdesk@nwirp.org
- **Tacoma:** 253-235-9279
TSUintake@nwirp.org
 - Detained folks: 253-383-0519 / 877-814-6444
detainedreferrals@nwirp.org
- **Wenatchee:** 509-570-0054 / 866-271-2084
wenatcheeintake@nwirp.org

NWIRP Service Regions



1. Introductions

Jay W Stansell

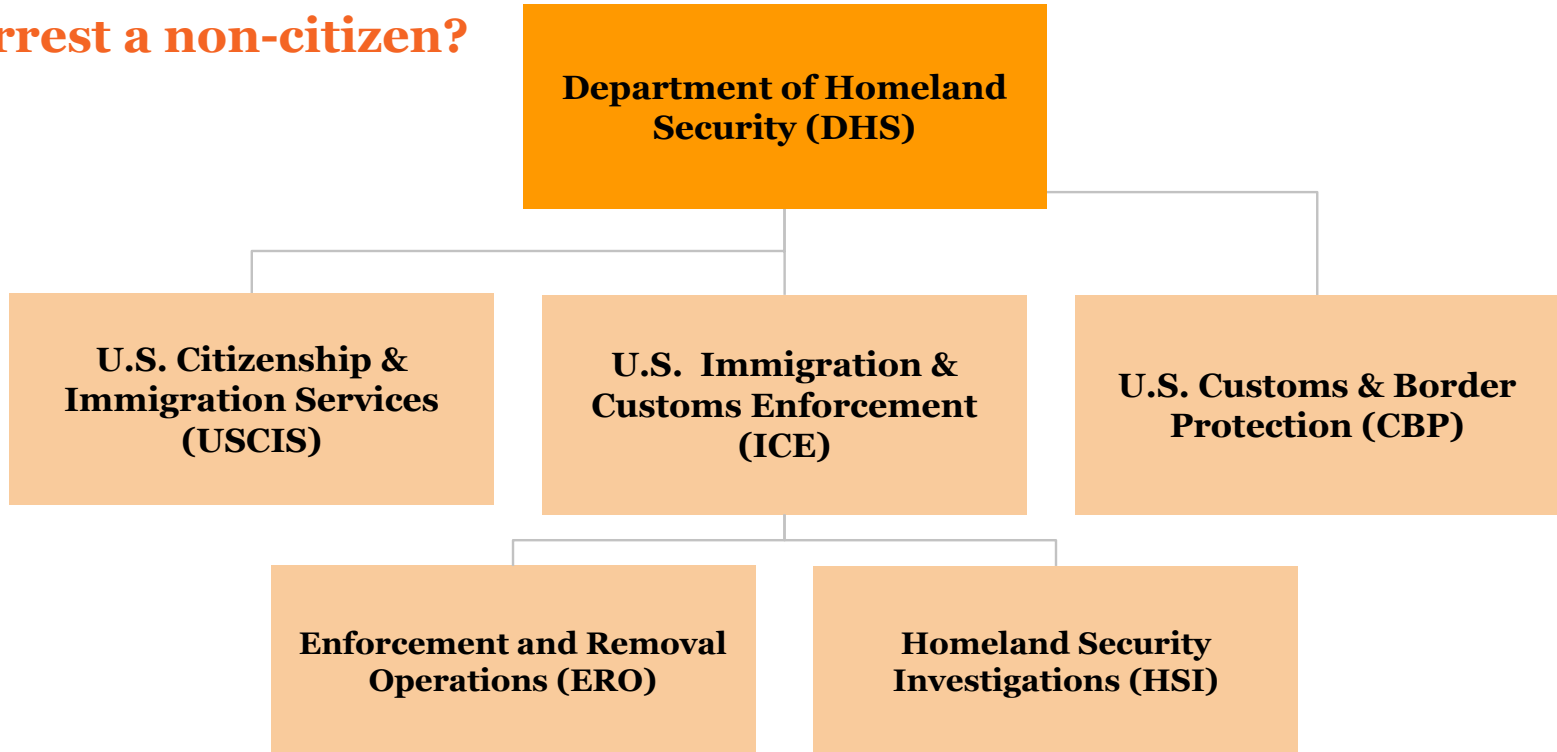
- Lawyer and educator
- Practiced law in the US since 1988: 19 years as an Assistant Federal Public Defender, 5 years as Staff Attorney for NWIRP
- Experience teaching law locally and internationally
- Jay is retired and no longer accepts clients
- He remains active and available to consult and hold trainings about immigrant rights, and for limited *pro bono* (free) consultation and guidance to immigrant community members, employers, and community allies about immigration law and enforcement
 - If you're interested in speaking with Jay, please reach out in the chat!

2. Background: Agencies Involved in Immigration Enforcement

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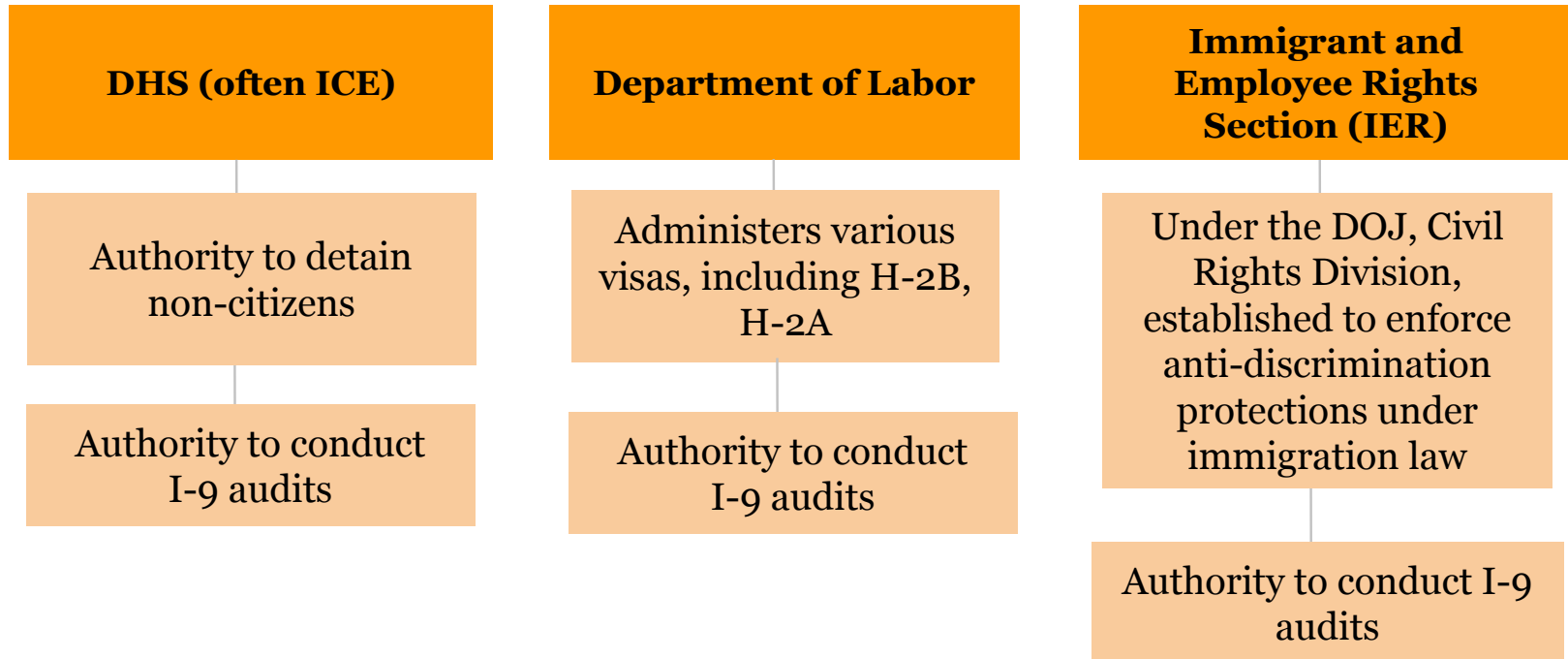
2. Agencies Involved in Immigration Enforcement

Who can arrest a non-citizen?



2. Agencies Involved in Immigration Enforcement

Agencies Involved at the Intersection of Immigration & Employment



3. How to Prepare for an Encounter with Immigration Enforcement

3. How to Prepare - Some Background

- Previously, I-9 audits used to be entirely by paper and have less urgent consequences on employers and employees
- **Now, ICE is showing up in person, demanding to see work authorization, and detaining employees on site (raid)**
 - Previously, certain industries (meat packing, care work), were targeted, but now, there is no clear pattern
- **ICE may misrepresent their inspection authority** (formally known as I-9 audits) and **threaten employers** to allow them to inspect their employees in-person

So what can employers do to prepare for this?

3. How to Prepare - At a Glance

- A. Understand your responsibilities under the law
- B. Understand the scope of I-9 inspections
- C. Understand your rights as an employer and your employee's rights
- D. Create a written policy
- E. Clearly designate private spaces

A. Understand your responsibilities under the law

Responsibilities regarding I-9 forms:

- **What is an I-9 form?** Official document employers must use to verify employees' legal eligibility to work in the US
- **Employees** (not contractors) must complete I-9 form
- **Section 1** must be completed on 1st day of employment:

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.				
Last Name (Family Name) Ride		First Name (Given Name) Sally		Middle Initial (if any) K
Address (Street Number and Name) 7555 Draper Ave.		Apt. Number (if any)	City or Town La Jolla	State CA ZIP Code 92037
Date of Birth (mm/dd/yyyy) 05/26/1951	U.S. Social Security Number 1 2 3 4 5 6 7 8 9	Employee's Email Address sallyride@email.com		Employee's Telephone Number (555) 555-5555
I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.		Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):		
		☒ 1. A citizen of the United States		
		☐ 2. A noncitizen national of the United States (See Instructions.)		
		☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)		
		☐ 4. An alien authorized to work until (exp. date, if any) _____		
		If you check Item Number 4., enter one of these:		
		USCIS A Number	OR	Form I-94 Admission Number
			OR	Foreign Passport Number and Country of Issuance
Signature of Employee <i>Sally Ride</i>		Today's Date (mm/dd/yyyy) Date Employee Completes Section 1		
If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification on Page 3.				

Source: [ice.gov](https://ice.dhs.gov)

Handbook for Employers M-274

A. Understand your responsibilities under the law

Responsibilities regarding I-9 forms, continued

- **Section 2**, employer review and verification, must be completed **within 3 days** from hire date
 - “You **must** accept documents that **reasonably appear to be genuine** and **relate to the person presenting them**”

Remember: you are not an immigration expert - if you've followed these steps, you have done your job

A. Understand your responsibilities under the law

Responsibilities regarding I-9 forms, continued

- **Record keeping**
 - If employee worked for < 2 years, retain I-9 form 3 years from start date
 - If employee worked for > 2 years, retain I-9 form 1 year from end date
- ***Do I need to keep copies of evidence of employment authorization?***
 - If you make a copy of an employee's documents you used to verify eligibility, then you must keep a copy with the I-9
 - If you do for one employee, you must for all (anti-discrimination)
 - ***However, you do not need to make copies under the regulations*** (unless you examine remotely)

Examination of document + I-9 = enough

A. Understand your responsibilities under the law

Responsibilities regarding I-9 forms, continued

- **Note:** while employers must ***examine*** proof of eligibility to work (i.e., work permit or US passport), and the employee must attest to their immigration status on the I-9 form, an employer **does not** have to ask questions regarding an employee's immigration status
 - (i.e., “are you *really* a lawful permanent resident?”; “so, how did you get your employment authorization?”; “where were you born?”)

A. Understand your responsibilities under the law

Responsibilities Under State Law: Immigrant Worker Protection Act

- **Effective 10/1/2026 - Washington State law requires that **within 5 days of receiving a notice of inspection (NOI)**, employers must:**
 - **Inform your employees** of the date of the notice and type of records being asked for
 - **Provide your employees with contact information** for a statewide advocacy organization for immigration and refugee rights
 - **Provide a copy of the notice** by posting it and by mailing, emailing, or texting
 - Provide all of this information in English and the **five most common non-English languages in Washington**

A. Understand your responsibilities under the law

Responsibilities Under State Law: Immigrant Worker Protection Act, Continued

- **Effective 10/1/2026**
- **Within 5 days** of receipt of inspection, employers must **distribute notices** (in the usual language you use to communicate with them):
 - Informing all workers identified as **lacking federal work authorization**
 - Informing all workers identified as have **I-9 form deficiencies**

B. Understand the scope of I-9 inspections

An I-9 inspection does NOT give ICE or any other agent authority to enter your business and/or examine your employees' documents!

An agent must have a JUDICIAL WARRANT or CONSENT to enter your business (more on this later)

B. Understand the scope of I-9 inspections

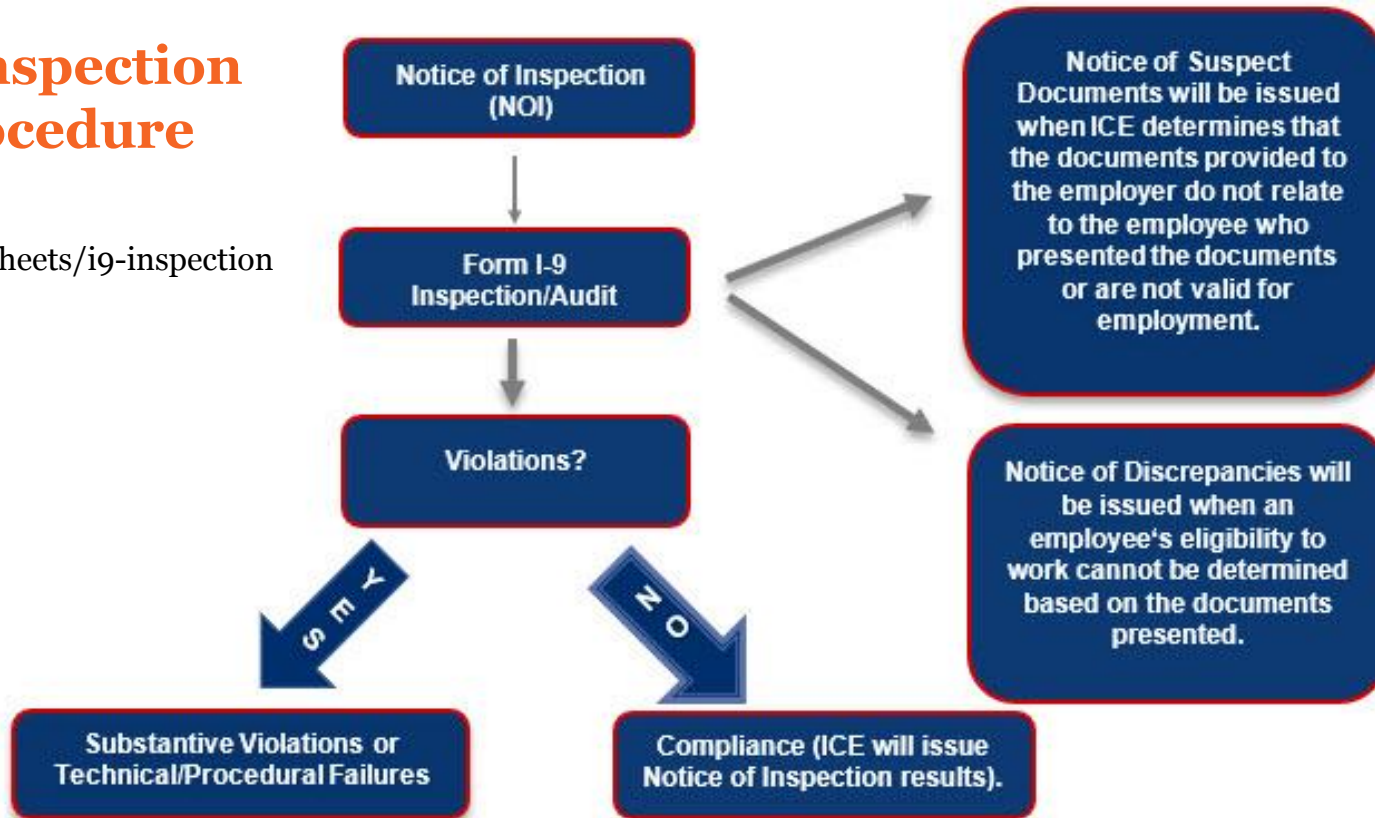
I-9 Inspection v. Raids

	I-9 INSPECTIONS (AKA AUDIT)	RAIDS
What is required	● Notice of inspection	● JUDICIAL WARRANT
What it looks like	● Notice by mail or in person for documents ● 3 days to prepare response ● Process through DOCUMENTS	● No notice, sudden entry ● Attempt to speak with employees and verify status immediately ● In-person process

B. Understand the scope of I-9 inspections

I-9 Inspection Procedure

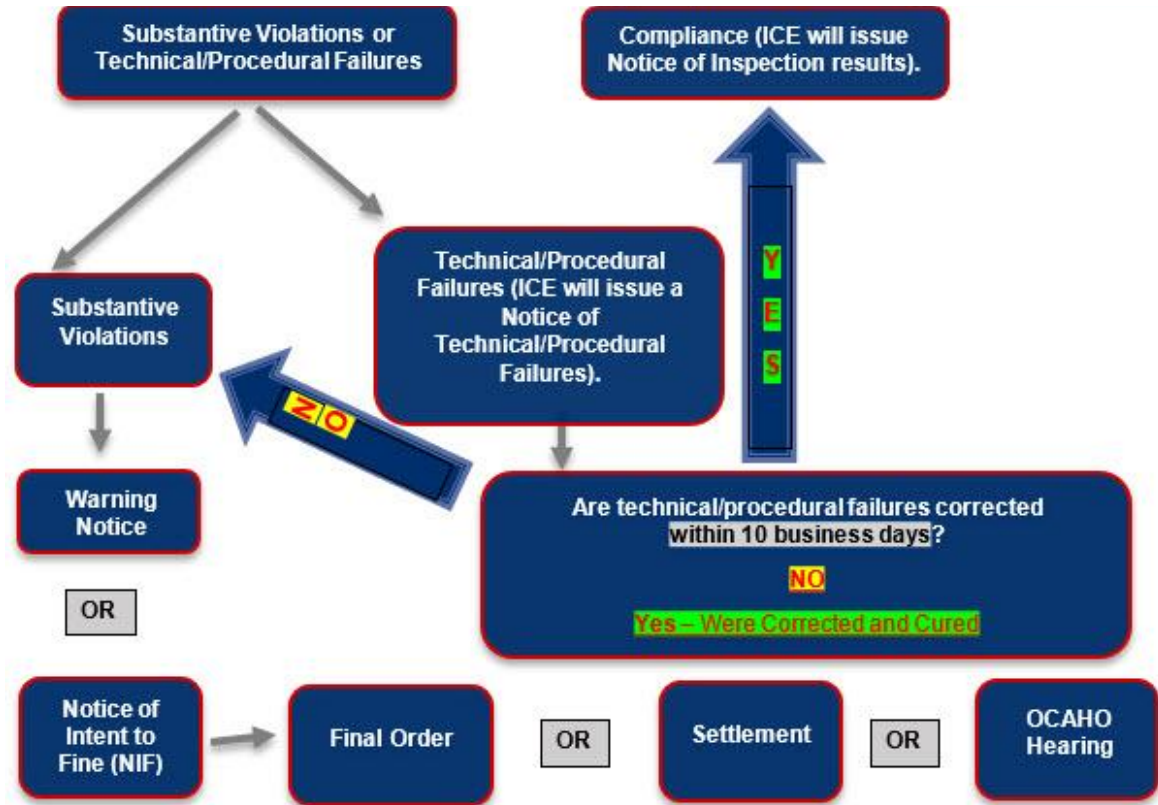
Source:
ice.gov/factsheets/i9-inspection



B. Understand the scope of I-9 inspections

I-9 Inspection Procedure

Source:
ice.gov/factsheets/i9-inspection



B. Understand the scope of I-9 inspections

- **Substantive v. Correctable Errors - Recent Changes**
 - ICE's Form I-9 fact sheet reclassified numerous errors that had historically been treated as *correctable technical violations* as ***substantive violations subject to monetary penalties***
 - Examples of what used to be “correctable” but is now “substantive”:
 - Using the Spanish-Language Form I-9 outside of Puerto Rico
 - Missing employee's legal name or date of birth
 - Missing employee's A number if lawful permanent resident
 - ***Review the updated fact sheet for all “substantive” violations and prepare your I-9 forms carefully***

B. Understand the scope of I-9 inspections

- **What can lead to a criminal legal investigation of an employer under *federal law*?**
 1. **A pattern of *knowingly* hiring unauthorized workers**
 - Federal law requires the government prove the business owner had “**constructive knowledge**,” i.e., “knew or recklessly disregarded” that their employee did not have legal status to work
 2. **Evidence suggesting “harboring” undocumented employees**
 - Providing employment, transportation, or assistance ***with knowledge of lack of status***
 3. **Failure to comply with I-9 verification requirements**

C. Understand Your Rights as an Employer, and Your Employees' Rights

No matter someone's status, **everyone always has these constitutional rights:**

- Right to remain silent
- Right to decline to sign a document without an attorney
- Right to speak with an attorney
- The right against being detained and searched without sufficient justification (“unreasonable search and seizure”)

C. Understand Your Rights as an Employer, and Your Employees' Rights

Can an immigration agent arrest someone without a warrant?

Private/ restricted spaces (your home, designated private spaces)	In public (in your car, on the street)
To enter a private/ restricted space and/or detain someone, immigration agents need a judicial warrant	- To force someone to stop, agents need a reason to suspect the person is violating immigration law - To arrest someone, agents need a judicial or administrative warrant or probable cause of “unlawful presence”

C. Understand Your Rights as an Employer, and Your Employees' Rights

Judicial Warrant

Has the **name of the court**, case number, and type of warrant

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

Any authorized law enforcement officer _____

An application by a federal law enforcement officer or an attorney for the government requests the search following person or property located in the _____ District of _____
(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 whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the taken.

officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory y law and promptly return this warrant and inventory to _____ (United States Magistrate Judge)

uant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. pt for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose I be searched or seized (check the appropriate box)
☐ days (not to exceed 30) ☐ until, the facts justifying _____

Date and time issued: _____
City and state: _____

Judge's signature
Printed name and title

Has a specific date and time and is signed by a judge

Administrative Warrant

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 _____

Has the name of the agency and says something like **“Warrant for Arrest of [non-citizen]”**

Certificate of Service

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

Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____

Signed by an immigration agent, **NOT** a judge

C. Understand Your Rights as an Employer, and Your Employees' Rights

Subpoenas

- A demand to produce documents at a specific date and time
- Immigration subpoenas
 - Agency must go to a court to enforce it
 - You may refuse to respond without fear of immediate civil, criminal, or legal liability
- Judicial subpoenas
 - You can object to a judicial subpoena
 - If you ignore without objecting, could face penalties by a court
- A subpoena alone does NOT allow officers to enter your business and execute a search

C. Understand Your Rights as an Employer, and Your Employees' Rights

Employer Rights

- Employers have the right to **speak to an attorney** before answering questions or signing any documents that may put their employees at risk of arrest — ***remember, 3 days to respond to NOI!***
 - *Many may not be ready in the time period, can request extension*
- Employers have the right to request additional time for yourself and any “**no match**” employees to correct errors or provide additional documents

Remember: an I-9 audit does not give an agent any special permission to enter your private property or otherwise violate your rights

C. Understand Your Rights as an Employer, and Your Employees' Rights

Remember: you can always tell people to leave your business!

Without a judicial warrant, ICE agents CANNOT:

- Require anyone to answer questions
- Require you to identify a person
- Require you to provide information or documents
- Search, or even enter, a private space to look for someone
- Stay at your business after you have told them to leave the premises

D. Create a Written Policy

- **Clear, step-by-step protocols shared internally**
- **I-9s**
 - Create a policy in line with requirements under federal & state law and considering the rights discussed in this presentation
 - Including data collection and preservation
- **In case of immigration enforcement**
 - Purpose statement - when should it be applied?
 - Talk about different staff roles / locations
 - *Designate authorized people to speak with agents & create policies on what they can/should say to agents*
 - What areas are private/ restricted v. public

Share this policy with your employees!

E. Clearly Designate Private Spaces

Consider hanging signs that say **“PRIVATE”** on the doors to private spaces

**A JUDICIAL WARRANT IS REQUIRED
TO ENTER PRIVATE AREAS**



THE CONSTITUTION GUARANTEES:



OUR RIGHT TO REMAIN SILENT.



**OUR RIGHT TO RECORD YOUR ACTIVITIES FROM
A SAFE DISTANCE, WITHOUT INTERFERENCE.**



**SE REQUIERE UNA ORDEN JUDICIAL
PARA ENTRAR EN ZONAS PRIVADAS**



LA CONSTITUCIÓN GARANTIZA:



NUESTRO DERECHO DE GUARDAR SILENCIO.



**NUESTRO DERECHO A GRABAR SUS ACTIVIDADES
DESDE UNA DISTANCIA SEGURA, SIN INTERFERIR.**

4. During an Encounter With Immigration Enforcement

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4. During an Encounter with Immigration

1. **Direct agent to an authorized person & send them away**
 - a. Stay calm. Do not run. Do not lie.
2. **Authorized person reviews warrant or other document**
 - a. No judicial warrant: “We have a policy of denying access without a valid judicial warrant.”
 - b. Judicial warrant: Review for validity (date, address, signature); limit search to scope of warrant, accompany them and document the whole time
3. **If someone is detained**
 - a. Ask if they would like you to contact anyone or provide valuables to anyone
 - b. Remind those being detained of their rights
4. **Record any interactions with the agents** (on your phone or take notes)

4. During an Encounter with Immigration

- **Documentation safety tips**

- Announce you are recording a video
- Stay a safe distance away
- Record the agents, not others

Under the law, you cannot impede an arrest. Provoking agents can escalate a situation and put you and the people being detained at further risk of harm.

- **What to record:**

- Date and time
- Number of officers
- Their names and badge numbers - ask for their credentials and take a photo
- Who did they say they were?
- What did they say they were doing at your business?
- Did they present a warrant? Did you ask? Take a photo of any documentation presented

4. During an Encounter with Immigration

- **Duties of authorized people**
 - Review warrants and subpoenas
 - Ask for, check, and document an agent's credentials
 - Authorized to interact with agents on behalf of organization
 - Communicate with attorney
- *This should be a key part of your policy!*

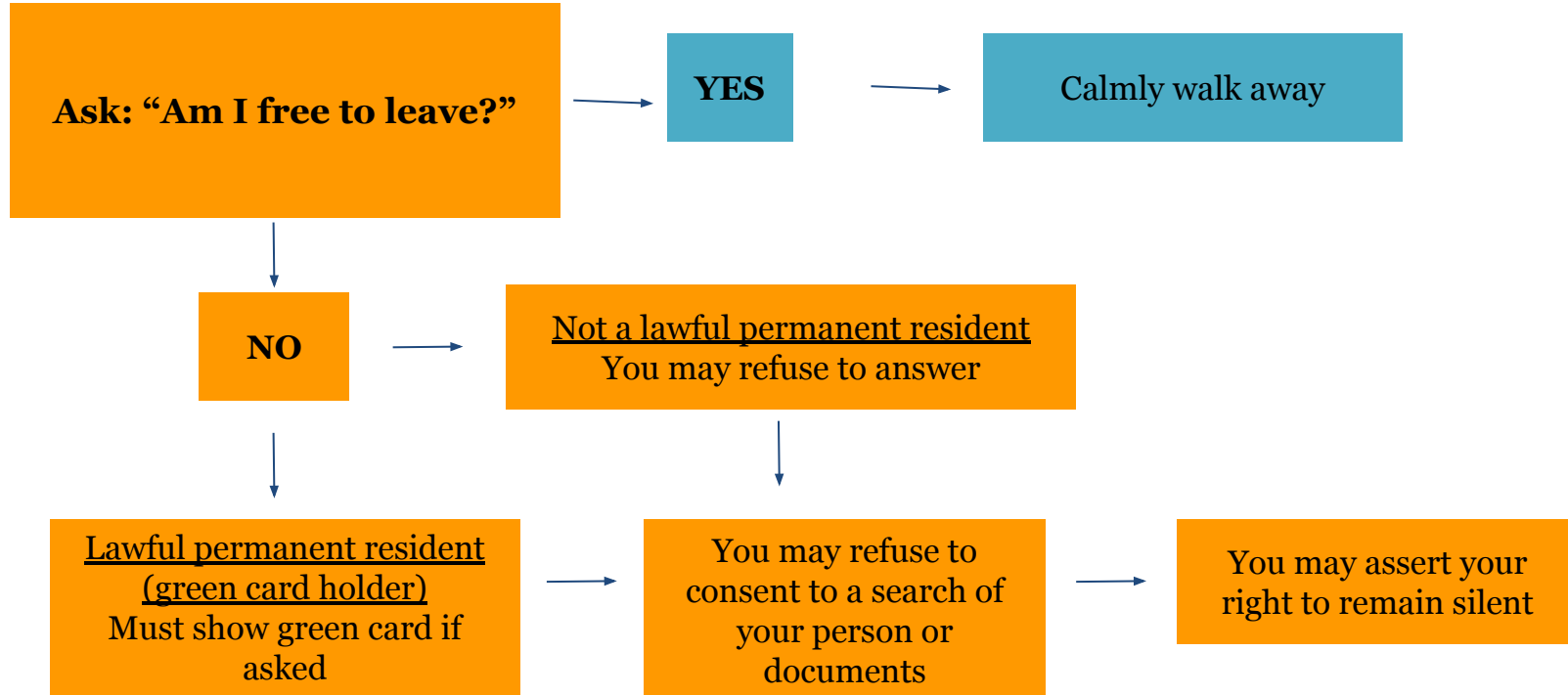
4. During an Encounter with Immigration

What to do if ICE hands / sends you an I-9 Notice of Inspection

1. **Do not give them consent to enter your business**
2. **Within 3 days, send I-9 forms** – if you did not keep a copy of a document to verify eligibility, ***you only need to turn in the I-9 form***
3. ***Notify employees immediately.*** Keep them updated on the status.
 - a. *Follow the WA state law on communication described in prior slides*
4. **Reach out to your employees' union** (if they have one)
5. **Inform any “no match” employees that there are questions** about their documents & ask them to bring in additional proof of status
 - a. Do not give them legal advice
6. Arrange to give paperwork to ICE/DHS at a **neutral location**, like a library

4. During an Encounter with Immigration

What if an immigration agent stops me or an employee in public?



5. After an Encounter with Immigration Enforcement

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5. After an Immigration Arrest

If immigration agents arrest someone, then what happens?

- In WA, a person will typically be transferred to the detention center in Tacoma
 - It's possible that they may be transferred to another state - the risk of this is increasing
- Requirements for an individual to be released on bond if detained in ICE custody
 - They aren't a "flight risk"
 - They aren't a danger to the community
- Deportation proceedings can take many months
 - "Master" Calendar Hearing
 - Individual Hearing if the person presents an application for relief (i.e., asylum)



5. After an Immigration Arrest

NWIRP resources if a community member is detained

Email NWIRP's Detained Immigrant Advocates Unit (DIA) at
detainedreferrals@nwirp.org

- In your email please include as much of the following information:
 - Full name
 - A # (Government-issued ID)
 - Date of Birth
 - Country of Birth
 - Court date (if scheduled)
 - If you are unable to send an email, please leave a voicemail with the information at:
 - Phone: 253.383.0519
 - Toll Free: 877.814.6444 –Access from within Tacoma detention center
- <https://nwirp.org/resources/nwdc/>

6. Temporary Protected Status (TPS)

6. Temporary Protected Status (TPS)

- Whether an employee with TPS, or formerly with TPS, has or does not have work authorization, may be confusing to non-attorneys - several pauses through litigation and changes in designations
- Some with TPS may be eligible for other benefits and may have a pending application for another status (such as asylum, adjustment of status through a family petition)
 - They may have authorization to work under these statuses
- You only have to go back to an I-9 and review documents if you have **constructive knowledge** that the employee no longer has work authorization - **there is no requirement to go dig for this info**

Remember: You are not an immigration expert - if you've followed the required I-9 form steps, you have done your job

7. Practice!

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ICE is in your neighborhood

- **What steps would you take?**

ICE is in your neighborhood

1. Take a deep breath
2. Calmly alert the authorized person (follow internal policy)
3. Tell those on premises that they are free to move to a private space
4. Consider closing your business temporarily until ICE leaves the area
5. Safely and calmly inform:
 - a. Local response teams
 - b. Other businesses, schools, churches, etc., in the area
6. Authorized person: prepare for potential enforcement and review internal policy

ICE attempts to enter your business

- **What steps would you take?**

ICE attempts to enter your business

1. Take a deep breath
2. Calmly alert the authorized person (follow internal policy)
3. Tell those on premises that they are free to move to a private space
4. Authorized person - follow procedures on communicating with agents
 - a. Do not give consent to search unless they have a judicial warrant
 - b. Review all warrants for validity
 - c. If ICE is outside a locked door, ask them to slide it under the door
5. Contact your attorney
6. Contact rapid response networks
7. Contact NWIRP if more than 10 arrests (see resources)
8. Document!

You think one of your employees is from a country that no longer has TPS authorization

- **What steps would you take?**

You think one of your employees is from a country that no longer has TPS authorization

1. **Nothing, unless you have “constructive” or “actual” knowledge that your employee does not have employment authorization**
 - a. Examples of **constructive** knowledge:
 - i. Expiration date on I-9 form
 - ii. Improperly completed I-9 form
 - iii. Notice of suspect document from I-9 audit
 - b. **Actual** knowledge: employee tells you they are no longer work authorized
 - i. NOT rumors or “tips” → acting based on this can be discrimination
2. **If you have “constructive” or “actual” knowledge**
 - a. You must re-verify your employee’s work authorization
 - b. If they do not have employment authorization, continuing to employ them can lead to fines or criminal liability

8. Resources

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8. Resources

- **Washington Neighborhood Defense (WAND)**
 - Distributes KYR information to businesses across WA state. WAND is a community group made up of more than 500 volunteers who have visited over 5,000 businesses across WA
 - <https://linktr.ee/waneighborhooddefense>
- **NWIRP**
 - **In case of a raid (10+ arrests)→ NWIRP's Large Scale Enforcement Legal Response Team:** <https://bit.ly/46Vi6v2>
 - [Advisory to Nonprofit Organizations and Social Services Providers Regarding Immigration Enforcement](#)
- **Public Counsel FAQ:** <https://bit.ly/47HIHfk>
 - Includes sample policy
- **NILC Employer Guide:** <https://bit.ly/4hMdKLC>

8. Resources

- **Contact your local rapid response (RR) groups for support**
Here are some (non-exhaustive list)
 - Wenatchee for Immigrant Justice - accompaniment & RR: wenatcheeforimmigrantjustice.org
 - Immigrant/Race Justice Group Leavenworth - accompaniment & RR - <https://www.facebook.com/groups/1201316273403395/>
 - East King Rapid Response - RR: linktr.ee/eastkingrise
 - Thurston Immigrant Solidarity League - accompaniment & RR: thisl.org

9. Q&A

*Ask questions in the “Q&A”
Section!*