

RESPONSE TO IMMIGRATION AND CUSTOMS ENFORCEMENT

WORKSITE AUDITS & RAIDS

WHY IT MATTERS:

Nearly one million Washingtonians (1 in 7) are immigrants. In recent months, immigration enforcement efforts in worksites have increased and have taking many different forms. This has made it advisable for employers to know how to prepare for a ICE worksite audits & potential raids.

TOOLS:

We are working with support from the Washington Immigrant Solidarity Network to ensure a protocol is in place and support is available for immigrant & refugee communities.

- We will clearly display staff only areas: see signage below for example.
- We will share to all employees Know Your Rights info.
- We will follow a streamline chain of command for worksite, if ICE was to be on the property.



NOTE: The Social Security Administration (SSA) has resurrected the practice of notifying employers when a W-2 doesn't match SSA record files through "Employer Correction Request" or "No-Match Letters". While this is not attached to an enforcement agency/mechanism; it is important to also seek legal counsel and DO NOT make any assumptions or take any sudden actions against your staff.

TO PREPARE FOR AN ICE RAID

- Designate which areas of your business are closed to the public with clearly marked signage. (see tools section for an example)
- Designate primary & secondary staff points of contact for talking to ICE.
- Train your employees: DO NOT CONSENT TO ICE SEARCHES.
- Train your employees: DOCUMENT ICE ACTIVITY.
- Inform your employees: REMAIN SILENT & ASK FOR AN ATTORNEY
- Inform your employees: DO NOT SIGN ANY DOCUMENTS.
- It's a good practice to keep personnel files and I-9s in separate file areas.

DURING AN ICE RAID:

- Try to identify ICE agents promptly.
- Once confirmed that they are ICE agents, contact the WAISN Hotline [1-844-724-3737] to informed them of this activity.
- Determine the scope of the visit. Ask for a warrant.
- Examine the warrant and determine type of warrant: (Administrative, Judicial Arrest or Judicial Search)
- IF ICE HAS NO JUDICIAL WARRANT: DO NOT CONSENT. ASK ICE TO LEAVE.
- Communicate with employees during raid to ensure order and employees can take safety measures if required.
- Record & Document ICE Activity.

I-9 AUDITS:

- DO NOT make any assumptions or take any sudden actions against your staff.
- Immediately notify employees and also their unions of a pending audit and timeline.
- Take it seriously: Contact an attorney or legal advisor ASAP.
- Call the WAISN Hotline to report this activity.
- Notice of Inspection (NOI): ICE must provide 3 days notice at your request if no warrant.
- You are not required to produce any copies of identification (and you should not have them).
- Organize your I-9's. DO NOT alter any I-9.