

Tips for Responding to ICE Inquiries at Your CAA

Preparation is crucial when it comes to an unannounced visit by U.S. Immigration and Customs Enforcement (ICE) to your Community Action Agency (CAA). Below are a few tips for responding to immigration officials who show up at your CAA's offices asking to speak to employees or clients, or seeking the CAA's records pertaining to employees or clients.



1. Call a lawyer

If ICE shows up unannounced at your workplace, call your CAA's attorney as soon as possible. The receptionist or CAA's representative should tell the officers that your organization's policy is to call your lawyer. The organization's attorney may be able to come to the workplace to assist with your CAA's response, or speak to ICE officers over the phone.



2. Public vs. private spaces

In general, immigration agents are free to enter into the public areas of your CAA's workplace to question people or observe what is going on, without a warrant or your CAA's consent. However, agents must have a signed warrant or obtain consent from an authorized person at your CAA to enter into non-public or private areas. There is no bright line rule distinguishing "public" and "private" spaces. The standard is whether there is a reasonable expectation of privacy in that area. Generally, lobbies and waiting areas are more likely to be considered open to the public, while individual offices, conference rooms, records areas, and other areas with restricted access are more likely to be considered private and open only to employees, clients, and individuals accompanying clients.



3. Designate a person to speak to immigration officials

Your CAA should designate a specific person (or persons), such as the Executive Director, to be responsible for handling contacts with ICE officials. When immigration officials come to your CAA's office, other staff members should be trained to inform the officials that only the designated individuals are authorized to review a warrant or consent to their entry into private areas, and decline to answer any further questions from the officials. Employees of the organization should not give any statements to ICE agents or allow themselves to be interrogated before consulting with an attorney.



4. Review the warrant

The designated employee or the organization's attorney should review all of the paperwork presented by ICE officials to be sure it is valid. This individual should confirm that the warrant is signed and dated by a judge, that the premises to be searched indicated in a warrant properly describes the CAA's offices, that the search is executed during the time frame indicated in the warrant, and that the warrant lists items to be searched for and seized (e.g., payroll records, employee identification forms, I-9 forms, client intake forms, etc.). If immigration officials ask permission or attempt to enter a private area, the designated employee should explicitly state that he/she does not consent to entry without a warrant. Your CAA can later challenge the search if there are grounds to do so.



5. Know your rights to remain silent and to an attorney

Provide educational materials and posters advising employees and clients that they have the right not to answer questions from immigration agents and to ask that a lawyer be present if they are questioned. This right exists even if law enforcement officials are executing a valid search warrant – individual employees and clients should state out loud that they wish to remain silent. Neither your employees nor your clients need to answer questions about their immigration status, where they were born, or how they entered the United States, and they may also refuse to show identity documents that disclose their country of nationality or citizenship.



6. Monitor the search process

The designated representative at your CAA (and an attorney, if possible) should be present for any search executed pursuant to a warrant. Write down the name of the supervising ICE agent. At least one employee should accompany each agent around the workplace and take notes to document the search process. If immigration officials insist on walking through a private area despite not having a warrant, employees should not block their access. Rather, employees should object to the search and document in writing anything that happens outside the scope of the search or without consent, and note the objection in writing. It is important to prepare staff for the possibility of a search that exceeds the scope of a warrant and to train them to document the search process in writing, to be able to later challenge the results of an illegal search.



7. Sensitive locations

In a [2011 memorandum](#)¹, ICE stated that its policy is generally *not* to conduct enforcement actions at spaces ICE deems to be “sensitive locations,” which include preschools, child care centers, and health clinics. This means ICE should not conduct arrests, interviews, searches, or surveillance at Head Start classrooms unless exigent circumstances exist or prior approval is obtained from a supervisory official, and even then, a warrant is required. Exigent circumstances include threats to national security, terrorism, public safety, or an ongoing criminal case. ICE has stated in [an FAQ](#)² that this policy is still in effect, but because it is not based on a statute or regulation, it could change at any time. If ICE comes to a Head Start facility, your CAA should follow the guidelines on this tip sheet and reach out to immigration advocates to discuss your options.



8. Keep a list of community resources

Your CAA should consider preparing a directory of resources, including immigration attorneys and other local advocates, whom the organization and/or individuals may call for additional guidance on responding to an immigration raid. Consider training employees on their rights when interacting with immigration/law enforcement, such as providing the Catholic Legal Immigration Network’s [Know Your Rights Guide](#)³ (versions available in multiple languages). This guide has helpful steps for responding to questioning in different places, including in an individual’s home, workplace, car, and in public. The National Immigration Law Center has also developed a number of other [Know Your Rights resources](#).⁴

Links:

- ¹ <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>
- ² <https://www.ice.gov/ero/enforcement/sensitive-loc>
- ³ <https://cliniclegal.org/resources/know-your-rights-law-enforcement>
- ⁴ <https://www.nilc.org/get-involved/community-education-resources/know-your-rights/>
- ⁵ <https://www.nilc.org/issues/workersrights/employer-guide-workplace-imm-enforcement/>

For more information about your rights and responsibilities as an employer in the event of an ICE enforcement action or investigation at your CAA’s workplace, see the National Immigration Law Center’s guide, [What to Do If Immigration Comes to Your Workplace](#).⁵

Also reach out to an immigration lawyer or contact CAPLAW at www.capl原因.org.