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### **Pabian Law Client Alert:** **Best Practices in the Event of an ICE Raid** *Spring 2025*

With the arrival of the new Administration, much has been in the news about potential immigration raids on businesses across the country. This document is intended to help your organization plan for such a raid. While we at Pabian Law do not believe that raids are imminent for our clients, we hope that this document will help ease some fears and allow you to feel better prepared should one occur.

#### What is an ICE Raid?

U.S. Immigration and Customs Enforcement (ICE) could visit your business (without warning) if ICE believes that an immigration violation has occurred. In the event of an ICE raid, remember to remain calm and immediately contact Pabian Law.

#### What is the difference between an ICE Raid and an immigration site visit?

Immigration site visits from U.S. Citizenship and Immigration Services (USCIS) have become more and more common. These are generally routine compliance checks where USCIS may ask to see paystubs or talk to workers (either by phone or in person). The goal of these visits is often simply to make sure the workers are doing what the petition said they would be doing. Although these government officers will not have a warrant or other official documentation, they should have identification to confirm that they are with USCIS (or possibly with the U.S. Department of Labor (DOL)). Assuming the visit is from an immigration officer from USCIS or DOL (as opposed to ICE), we recommend being as helpful as possible with these visits and providing access to documents/employees (within reason), as these visits are generally more relaxed and far less adversarial than ICE Raids. If you have questions about immigration site visits, please reach out to us at Pabian Law so that we can provide additional information on how to prepare and handle these situations.

#### How To Prepare for an ICE Raid

- 1. Identify a primary point of contact for your business**
  - a. Assign an employee to act as the primary contact for ICE agents. This can be one person per shift and one person per work site.
- 2. Make a company-wide plan**
  - a. Develop a written response plan regarding how your business will respond to an ICE raid.
  - b. The plan should outline who to contact in the event of an ICE visit (ex. senior management and legal counsel). The plan should also outline how staff should behave during a raid (remain calm and that they have the right to remain silent).

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- c. The plan should also designate public and private areas (consider if it is possible to view computer screens or other sensitive information in public areas).
- d. The plan should be readily available (especially for the front desk receptionist or other first points of contact with the public).

### 3. Train your staff on how to react

- a. Workers should not allow anyone to enter the business without first verifying authority. A front desk employee can say “I do not have authority to allow you to enter. You must speak to my supervisor.”
- b. Similarly, all workers (as well as members and guests) should understand that they have the right to remain silent and are not required to interact with ICE agents.

### What To Know Ahead of an ICE Raid

#### 1. Verify the ICE agent’s authority and ask for a warrant

- a. Request that the ICE agent(s) present you with identification.
  - This is where you can confirm whether they are with ICE and not with USCIS or DOL, as mentioned above.
- b. Ask the agent(s) to present a judicial warrant if they plan to enter private areas of the business or question any employees. For ICE to conduct any searches and seizures they must have a judicial warrant signed by a judge. *Please note, an administrative warrant does not grant ICE authority to enter private areas without consent.*
  - A judicial warrant is signed by a judge, stating the address, timeframe, and areas/locations to be searched. It can be either a search warrant to search specific areas or an arrest warrant to question or arrest specifically named individuals. An employer must comply with a judicial warrant, but only in connection with the specific areas/people listed on the warrant.
  - An administrative warrant is issued by a federal agency such as the Department of Homeland Security (DHS) or ICE, on ICE Form I-200 or I-205.
- c. Review the warrant to ensure that it has your company’s correct legal name and to confirm the areas they will be searching. ICE agents are not entitled to search any areas that are not listed on the warrant.
- d. Inform your employees of their right to remain silent and to access legal representation.

#### 2. Do not consent to search

- a. ICE agents are not allowed to access private areas without your consent or a judicial warrant.
  - If ICE agents attempt to enter a private area, inform them that it is a private area, and that they cannot enter without a judicial warrant. Ask the agents for a copy of the judicial warrant so you can review.
  - Clearly designate private areas of the workplace. If possible, mark these areas with a “Private” sign and/or keep the doors closed or locked.
- b. ICE agents are allowed to access public areas without a warrant.



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- Public areas include a parking lot, a dining area in a restaurant, a lobby, or waiting area.
- However, ICE does not have authority to stop, question, or detain anyone, including members, guests, or employees (unless those individuals are specifically listed on the judicial warrant).

### What To Do During an ICE Raid

#### **1. Do not obstruct or interfere with ICE agents**

- a. Please avoid hiding employees, destroying documents, or providing false information to ICE agents.

#### **2. Document entire interaction with ICE**

- a. Keep a detailed record of the ICE raid. Include the names and badge numbers of all ICE agents, the areas that were searched, and document any conversations you had with ICE agents.
- b. If possible, record video. Record openly and do not interfere with the agents.
- c. Ensure that all security cameras at your business are recording and make backup copies of any footage.
- d. Obtain receipts for any documents that are taken by ICE.
- e. If possible, make copies of all documentation presented by ICE.

### About Pabian Law

Pabian Law ([www.pabianlaw.com](http://www.pabianlaw.com)) is a national immigration law firm focused on the hospitality industry. We are one of the largest filers of H-2B seasonal visa petitions for those in the lodging, private club, ski area, and other seasonal industries. In addition, we work with our hospitality clients on year-round and permanent immigration solutions for their international staff.

Specifically, Pabian Law assists clients with:

- H-2B visas
- Year-round visas including TN, O-1, H-1B, L-1, and E visas
- Applications for U.S. Lawful Permanent Residency, including EB-3 green card applications
- Other employment-based visa and immigration solutions.

Pabian Law has such a robust H-2B visa practice that we built the country's only H-2B visa proprietary software. This software, called Pabian BOOM!, streamlines the H-2B visa process for clients while allowing for unprecedented transparency and helpful educational and compliance resources.

Pabian Law is also committed to education and trainings. We routinely provide in-person and virtual trainings with our clients, as well as with trade associations. Our commitment to

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education allows our clients to properly plan and strategize in allowing them to successfully utilize foreign nationals to solve their staffing needs.

Pabian Law has been recognized as one of the country's preeminent immigration practices focusing on the hospitality industry for our hard-work, client dedication, and our fast and efficient results.

You can learn more about Pabian Law at [www.pabianlaw.com](http://www.pabianlaw.com), by calling us at (617) 939-9444, and via email at [info@pabianlaw.com](mailto:info@pabianlaw.com).