



# 2026 NEW CA LABOR LAW!

## SB294: THE WORKPLACE KNOW YOUR RIGHTS ACT

On or before **February 1, 2026**, California employers must provide a **written notice to all current employees** that includes information about **their rights**.

The California Department of Industrial Relations has published a template notice that can be used by employers, it includes information about:

- Workers' Rights and Workers' Comp
- Protections against unfair immigration-related practices at work, including anti-retaliation protections
- Constitutional rights when interacting with law enforcement agents
- Rights to be notified of immigration-related inspections
- Union rights
- List of agencies enforcing these laws

### PENALTIES

- Violations may result in **\$500 per employee per violation, for lack of timely notice.**
- Violations related to the emergency contact requirement may **accrue daily, up to a maximum of \$10,000 per employee.**

### Additional Requirements:

- For employees hired in the future, the notice must be provided immediately upon hiring.
- Employers must offer the opportunity to designate an emergency contact, by March 30, 2026 and indicate if the contact should be notified in case of arrest or detention at work.
- If designated, employers must notify the contact of any arrests or detentions during work hours or while performing job duties.
- **The template notice is available at: <https://www.dir.ca.gov/dlse/Know-Your-Rights-Notice/Know-Your-Rights-Notice-English.pdf>**

**FOR MORE INFORMATION  
OR TO FILE A LABOR  
COMPLAINT CONTACT US  
AT:**

**(213) 201-8773**





## California Workplace - Know Your Rights

As a worker in California, you are entitled to know and exercise your workplace and constitutional rights. Labor laws, including but not limited to standards for wages, hours, and health and safety, apply to all workers in the state *regardless of immigration status*.

### It is against the law for your employer to retaliate against you for exercising your rights, including:

- Filing a complaint with the Labor Commissioner, Cal/OSHA, the Civil Rights Department, or another government agency.
- Asking about your employer's compliance with federal, state, or local law.
- Talking with others about their rights or helping them exercise their rights under federal, state, or local law.

Examples of illegal retaliation include firing you, reducing your work hours, or threatening to report you or a relative to immigration authorities because you exercised your rights.



### Workplace Protections Related to Immigration Status

#### Your right to Notice of Immigration Inspections ([Labor Code § 90.2](#))

If your employer receives notice of an upcoming immigration agency's inspection of I-9 Employment Eligibility Verification forms or other employment records, your employer must post a notice informing workers and their union representative, if applicable, within 72 hours of receiving that notice.

## Your protections against unfair immigration-related practices ([Labor Code §§ 1019-1019.2](#))

Under California law, it is unlawful for employers to retaliate against you or threaten immigration-related action when you exercise your rights. An employer is prohibited from taking any of the following actions because you exercised your rights:

- Refusing to accept identification documents during the I-9 process (proof of ID and federal permission to work) that appear to be genuine.
- Using E-Verify in a way not required or authorized by law.
  - For example, using E-Verify to reverify employment eligibility for an employee when not legally required to do so or screening only specific workers rather than all workers in a workplace without a legitimate basis for doing so.
- Reporting or threatening to report you or your family to immigration authorities.
- Filing or threatening to file any false report to the police or a state or federal agency.



## Your right to designate an emergency contact ([Labor Code § 1555](#))

Your employer **must** allow you to provide them with emergency contact information and to indicate if you want the emergency contact to be notified if you are arrested or detained at work. If you are arrested or detained at work and your employer has knowledge of it, they **must** notify your designated emergency contact if you choose that option.



## Your right to organize a union or engage in protected activity in the workplace

Most employees in California have the right to organize, join, or participate in union activities. Employees also have the right to jointly act with co-workers to address work-related issues and concerns to improve working conditions or for the purpose of collective bargaining. **This means you have the right to join with coworkers to request better working conditions or raise work-related concerns, including about wages, hours, health and safety, and other terms of employment.** You also have the right to not participate in union activities or protected activities. It is illegal for your employer to:

- Interfere with or discourage your union activity or protected activities.
- Threaten you, or retaliate or discriminate against you, because of your union support or protected activities.



## Your rights when interacting with law enforcement, including immigration agents, in the workplace

California workers have certain rights and protections under the U.S. Constitution, **regardless of their immigration status**, including when law enforcement (including a federal immigration agent) approaches you. In addition, under California law, state and local law enforcement cannot assist federal agencies such as ICE with immigration enforcement in most circumstances.

### Your right to be free from unreasonable searches (U.S. Constitution, 4th Amendment)

- If law enforcement, including immigration agents, ask if they can search you or your personal belongings, unless they have a judicial warrant specifically authorizing a search of your person or your personal belongings, you have the right to say no.
- If the officer conducts the search, even if you say no – remain calm, do not physically resist, and do not run.

Law enforcement can enter *public areas* without a warrant. Public areas may include a lobby, waiting room, public dining area, or parking lot of a workplace. In most circumstances, law enforcement needs a [judicial warrant](#), signed by a judge, to enter *non-public areas* of your workplace without consent. Non-public areas may include a breakroom, employee restroom, workspace, or any area marked as employees only. Administrative forms, such as an I-200 or I-205, are not a judicial warrant.

In California, your employer is prohibited from providing voluntary consent to an immigration enforcement agent to enter *non-public areas* of the workplace. Without a judicial warrant, your employer must refuse entry to immigration enforcement to *non-public areas* of the workplace.

More detailed information can be found in the DOJ's and LCO's joint [Immigrant Worker Protection Act FAQ](https://oag.ca.gov/system/files/media/ab450-faqs.pdf) (<https://oag.ca.gov/system/files/media/ab450-faqs.pdf>).

### Your right to be free from unreasonable seizures (U.S. Constitution, 4th Amendment)

- You are protected against unreasonable seizures, which includes detaining or arresting you.
- Law enforcement must have a reasonable suspicion of wrongdoing before they can stop and question or search you. You can ask “Am I being detained?” or “Am I free to leave?” If the officer says that you are not being detained or you are free to leave, then you can walk away calmly.
- An arrest requires probable cause and occurs when a person is taken into custody by law enforcement officers.
- Law enforcement agents do not need a judge-signed warrant to arrest someone in public.
- You have the right to speak to a lawyer if you are arrested. You may be pressured to sign documents. You do not have to sign anything without speaking to an attorney.



## Your right to remain silent (*U.S. Constitution, 5th Amendment*)

- Anything you say to law enforcement officers can be used against you in court.
- You have the right to remain silent, even if you are asked about your immigration status.
- If you wish to remain silent, clearly state so, request to speak with an attorney **and then remain silent**.
- Do not provide false information, false identification, or false documents to an officer. Providing false documents is a federal offense and may carry severe immigration consequences for noncitizens.



## Your right to record interactions with law enforcement in public spaces under the 1st Amendment

The public has the right to observe and record officers and government officials carrying out their duties in public. If you choose to record, you should stand a safe distance away and do not interfere with the officer's actions. Physical obstruction or verbal escalation can put your safety at risk and may lead to criminal charges.

## Access to legal representation

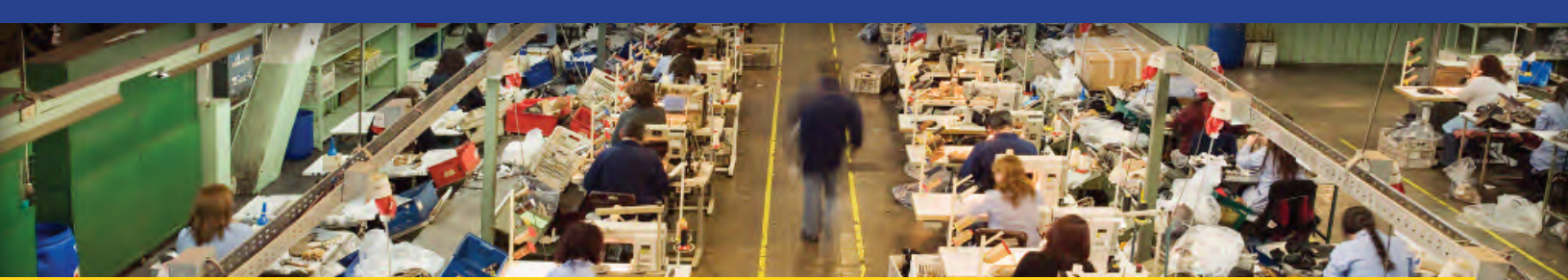
If you are arrested, you have the right to an attorney. If you cannot afford an attorney, you can get a government-appointed attorney to represent you in a criminal case.

However, if you are arrested by U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP), which includes Border Patrol, for civil immigration violations, you have the right to consult with a lawyer, but the government is not required to provide a lawyer for you. If you are arrested by ICE or CBP, you may invoke your right to speak with an attorney before saying or signing anything. You may also ask to speak to your consulate who may provide assistance.



## Workers' Compensation

You have the right to workers' compensation benefits if you are injured or become ill because of your job. The benefits provide you with medical care for your injury/illness, partially replace the wages you lose while you are recovering, and help you return to work. For additional information, visit [www.dir.ca.gov/dwc/](http://www.dir.ca.gov/dwc/) or call 1-800-736-7401.



## Who can I contact if I believe my rights have been violated?

If you believe your rights have been violated, below is a list of government agencies where you can seek assistance:

### California Department of Industrial Relations (DIR):

#### California Labor Commissioner's Office (LCO)

Information: (833) LCO-INFO (833-526-4636)  
Immigration helpline: (855) 526-7775  
[www.dir.ca.gov/dlse/](http://www.dir.ca.gov/dlse/)

#### California Division of Occupational Safety and Health (Cal/OSHA)

(833) 579-0927  
<https://www.dir.ca.gov/dosh/>

#### California Division of Workers Compensation (DWC)

(800) 736-7401  
[dir.ca.gov/dwc/](http://dir.ca.gov/dwc/)

### Other California Agencies:

#### California Attorney General (AG)

(800) 952-5225  
[www.oag.ca.gov](http://www.oag.ca.gov)

#### California Civil Rights Department (CRD)

(800) 884-1684  
[civildrights.ca.gov/](http://civildrights.ca.gov/)

#### *California Agricultural Employees* Agricultural Labor Relations Board (ALRB)

(800) 449-3699  
[www.alrb.ca.gov](http://www.alrb.ca.gov)

#### *California Public Sector Employees* *and Transportation Network Company Drivers* Public Employment Relations Board (PERB)

(916) 322-3198  
[perb.ca.gov](http://perb.ca.gov)

### Federal Agencies:

#### *Private Sector Employees* National Labor Relations Board (NLRB):

(844) 762-6572  
[www.nlr.gov](http://www.nlr.gov)

#### *Federal Employees* U.S. Federal Labor Relations Authority (FLRA):

(771) 444-5801  
<https://www.flra.gov/>

#### *Railway and Airline Employees* National Mediation Board (NMB):

(202) 692-5000  
[https://nmb.gov/NMB\\_Application/](https://nmb.gov/NMB_Application/)

### Non-Governmental Organizations:

You may also contact a nonprofit legal or community-based organization for assistance. For a list of organizations that partner with state agencies to help workers to understand their rights, scan the QR code to the right, or visit [www.dir.ca.gov/dlse/Nonprofit-Legal-and-Community-Based-Organizations-Serving-Workers.html](http://www.dir.ca.gov/dlse/Nonprofit-Legal-and-Community-Based-Organizations-Serving-Workers.html).



# EMPLOYER GUIDE: CONSIDERATIONS WHEN PREEMPTIVELY FIRING OR RE-VERIFYING WORKERS YOU BELIEVE TO BE UNDOCUMENTED



In light of perceived increases in immigration enforcement in 2025, many employers are concerned about workplace raids or unannounced visits from Immigration and Customs Enforcement (ICE). This fear has led some employers to take preemptive action, including terminating or re-verifying employees they believe may not have valid work authorization, to avoid legal trouble or business disruption. However, such firings may violate employment laws and could result in liability for your business. We are here to help both employers and employees understand their rights and responsibilities.

**Do employment laws protect everyone regardless of immigration status? Yes, they do.** Employment laws protect all workers, regardless of immigration status.

## **When can I get in trouble for firing or re-verifying someone I believe to be undocumented?**

- **Firing someone based on perception:** Terminating an employee solely because of their race, national origin, ancestry, or perceived citizenship/immigration status can constitute illegal discrimination under California law, and most of these categories are also protected under federal anti-discrimination law. Employers can face legal liability even if the employee is undocumented or their work permit is temporarily expired.
- **Re-verifying without a legal basis and unfair documentary practices:** Employers are required to verify work eligibility only once at hire through Form I-9. Re-verifying or demanding additional documents without a valid legal reason, such as an expiring work authorization, may violate anti-discrimination protections.
- **Using immigration status as a pretext:** Firing or taking other adverse action under the guise of immigration status, when the true reason is retaliation for reporting wage theft, unsafe conditions, discrimination, or participating in union activity, is illegal. Federal and California laws protect employees from retaliation for asserting their labor rights, regardless of immigration status.

## **What should I do to protect myself in case of workplace enforcement?**

Employers have rights during inspections or audits by DHS/ICE. Federal agencies must follow specific legal procedures, such as presenting a warrant and/or notice of inspection. Employers should comply with lawful requests but can consult legal counsel before taking additional actions. Our organization can help you understand your rights and responsibilities and provide training on how to respond lawfully to enforcement actions, protecting both your business and your employees.

**CALL US IF  
YOU'D LIKE TO  
PARTICIPATE IN A  
TRAINING FOR  
EMPLOYERS:**

**(213) 201-8773**

# EMPLOYER GUIDE: CONSIDERATIONS WHEN PREEMPTIVELY FIRING OR RE-VERIFYING WORKERS YOU BELIEVE TO BE UNDOCUMENTED



## When can employers legally do self-audits?

Employers can conduct a self-audit of their I-9 records at any time to check for errors and correct them, such as fixing mistakes in Form I-9 sections. However, audits should not be based on assumptions about an employee's citizenship, national origin, or perceived immigration status, and they must not be used to target or retaliate against specific workers for protected activity.

In the I-9 process itself, employers must accept any document(s) presented from the Lists of Acceptable Documents (I-9 Form, page 2, List of Acceptable Documents: List A, or a combination of List B and List C) that reasonably appear to be genuine; employers cannot refuse acceptable documents simply based on suspicion or because the documents belong to a particular "status."

## Under what circumstances can employees be terminated during I-9 self-audits?

Employees cannot be fired simply because an employer is conducting a self-audit. If, after a proper verification process, an employee cannot demonstrate valid work authorization or identity as required by law, an employer may have the legal right to terminate that employee. However, employers must ensure that such a termination is not actually based on retaliation or discrimination.

## Is E-Verify required?

E-Verify is generally a voluntary program for most employers. Employers are not required to use it unless they are covered by a federal contract or subcontract that includes the Federal Acquisition Regulation (FAR) E-Verify clause, in which case participation may be mandatory for certain employees working on that contract.

## SOURCES

1. U.S. Equal Employment Opportunity Commission (EEOC) – Fact Sheet: Immigrants' Employment Rights under Federal Anti-Discrimination Laws , <https://www.eeoc.gov/laws/guidance/fact-sheet-immigrants-employment-rights-under-federal-anti-discrimination-laws>
2. U.S. Citizenship and Immigration Services (USCIS) – Employee Rights, <https://www.uscis.gov/i-9-central/employee-rights-and-resources/employee-rights>;
3. U.S. DOJ, Employer Fact Sheet <https://www.justice.gov/crt/media/989486/dl>
4. California Department of Industrial Relations (DIR) – Immigrant Worker Protection Act / Employer Obligations <http://www.dir.ca.gov/DIRNews/2025/2025-53.html>
5. Retaliation for asserting labor rights is prohibited regardless of immigration status, U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/retaliation>
6. USCIS – Employee Rights, <https://www.uscis.gov/i-9-central/employee-rights-and-resources/employee-rights>
7. USCIS – Form I-9 Lists of Acceptable Documents, <https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents>
8. USCIS – E-Verify Overview <https://www.dhs.gov/verify-employment-eligibility-e-verify>

**CALL US IF  
YOU'D LIKE TO  
PARTICIPATE IN  
A TRAINING  
FOR  
EMPLOYERS:  
(213) 201-8773**



**THIS BUSINESS UPHOLDS  
CALIFORNIA LABOR LAWS AB450 & SB294  
(California Immigrant Worker Protection Act  
& the Workplace Know Your Rights Act)**

**PRIVATE PROPERTY- NO IMMIGRATION  
ENFORCEMENT ACCESS WITHOUT  
JUDICIAL WARRANT**

**NOTICE TO ALL LAW ENFORCEMENT AND IMMIGRATION AGENTS:**

- Entry into nonpublic areas of this property is prohibited without a valid judicial warrant.
- Any judicial warrant must be immediately presented to management for verification.
- Activities are strictly limited to the scope of the warrant. Additional requirements apply to I-9 audits.
- **All employees and clients have constitutional rights and may exercise them as permitted by Federal Law in public and nonpublic areas**, in addition to following workplace protocols in place.

**This notice is posted in compliance with California Government Code §§ 7285.1–7285.3 and Labor Code §§ 90.2 and 1019.2, and Labor Code Part 5.6 (commencing with §§ 1550–1559).**





**ESTE NEGOCIO CUMPLE CON LAS  
LEYES LABORALES DE CALIFORNIA AB450 & SB294**  
(Ley de Protección de los Trabajadores Inmigrantes  
y Ley de Conozca Sus Derechos en el Trabajo)

**PROPIEDAD PRIVADA — NO SE PERMITE EL  
ACCESO A AGENCIAS DE INMIGRACIÓN  
SIN UNA ORDEN JUDICIAL**

**AVISO A TODAS LAS AGENCIAS DEL ORDEN Y AGENTES DE INMIGRACIÓN:**

- El ingreso a las áreas no públicas de esta propiedad está prohibido sin una orden judicial válida.
- Cualquier orden judicial debe presentarse de inmediato a la gerencia para su verificación.
- Las actividades se limitan estrictamente al alcance especificado en la orden judicial. Requisitos adicionales aplican a auditorías I-9.
- **Todos los empleados y clientes tienen derechos constitucionales y pueden ejercerlos según lo permitido por la ley federal en las áreas públicas y no públicas, además de cumplir con los protocolos del lugar de trabajo establecidos.**

Este aviso se publica en cumplimiento con los Códigos del Gobierno de California §§7285.1–7285.3 y los Códigos Laborales §§90.2 y 1019.2, así como la Parte 5.6 del Código Laboral (que comienza con §§1550–1559).





**CHIRLA**  
Coalition for Humane  
Immigrant Rights

# WORKPLACE ENFORCEMENT: Guidance on Immigration Raids & I-9 Audits

## IMMIGRATION RAID

- An immigration raid occurs when ICE-DHS goes to a worksite without warning to arrest multiple people or to apprehend a specific individual through targeted enforcement. However, they may still attempt to question, detain, and even arrest others.

## DHS I-9 AUDIT

- A Form I-9 audit occurs when ICE/DHS visits your workplace to inspect the I-9 forms that employees complete when hired and other records. The records include forms that confirm an employee's identity and authorization to work in the U.S.

## WHAT CONSTITUTIONAL RIGHTS DO EMPLOYEES HAVE DURING WORKPLACE ENFORCEMENT (RAIDS AND I-9 AUDITS)?

- **Right to Remain Silent (5th Amendment)** – Individuals are not required to answer any questions. Inform the officer you're exercising this right.
- **Right to Refuse Searches and Seizures (4th Amendment)** – All persons have the right to deny consent to any searches of their person or property.
- If arrested, all persons have the **Right to Speak to an Attorney ( 5<sup>th</sup> & 6<sup>th</sup> Amendments)**

## WHAT RIGHTS CAN EMPLOYERS EXERCISE TO PROTECT THEIR WORKERS?

- **REQUIRE JUDICIAL WARRANT TO ENTER PRIVATE AREAS (4<sup>th</sup> Amendment):** A judicial warrant issued by a court and signed by a judge within the last 10 days (in CA) or 14 days (outside of CA) is required to enter private areas, regardless of whether the action is an I-9 audit, a workplace raid, or targeted enforcement.
  - **PUBLIC AREAS:** Agents can enter areas of a business that are open to the public (e.g., parking lots, lobby), but this does not give ICE the authority to stop, question, or arrest individuals.
  - **PRIVATE AREAS:** Should be labeled "*PRIVATE AREA: Authorized Personnel only*"
  - **ADMINISTRATIVE (NON-JUDICIAL) WARRANTS AND SUBPOENAS ALONE ARE NOT ENOUGH TO ENTER PRIVATE AREAS:** Administrative warrants are NOT judicial warrants (see Addendum A). Subpoenas, which require document production at a specified time, do not grant entry rights either.

# WORKPLACE ENFORCEMENT:

## Guidance on Immigration Raids & I-9 Audits:

### I-9 AUDITS- NATIONWIDE AND CALIFORNIA-SPECIFIC REQUIREMENTS.

- **I-9 NOTICE OF INSPECTION (NOI)** (*see Addendum B*)
  - Nationwide, a Notice of Inspection (NOI) gives employers at least 3 business days to produce the I-9 forms and supporting documents requested in the I-9 audit.
  - The NOI generally includes time and date. It must be accompanied by a judicial warrant to enter private areas or a subpoena for production of records.
  - Employers have the right to take the full 3 business days to respond.
  - Employers have the right to seek counsel before responding.
- **CALIFORNIA EMPLOYEE NOTIFICATION REQUIREMENT:** *In California*, the Immigrant Worker Protection Act (AB 450) mandates that employers in the state notify their employees and the employees' exclusive collective bargaining representative (if any) within 72 hours if they are subject to an I-9 audit (*see Addendum C*)
  - AB 450 applies to all public and private employers, as well as public schools and universities.
- **NATIONWIDE RESULTS NOTIFICATION REQUIREMENT:** After reviewing the I-9 forms, ICE may find that some employees are not authorized to work. If that happens, ICE will give the employer the right to provide valid authorization for those employees. Otherwise, the employer would have to end their employment.
  - **In CA, within 72 hours of receiving the inspection results**, the employer must provide written notice of the results and the obligations of both the employer and the affected employee, to the employee & their collective bargaining rep.
  - **The employer can and should ask ICE for more time** so the affected employees can have time to speak to an immigration attorney.
- **RETALIATION PROHIBITED:** Nationwide, employers cannot retaliate against employees who assert their rights or whose immigration status is being questioned. They also cannot reverify a current employee's work authorization unless required by federal law.
- **RIGHT TO CONTEST FINES:** Employers have the right to contest ICE fines or negotiate a lower amount if one results from the audit.

#### CALIFORNIA'S WARRANT REQUIREMENTS FOR I-9 AUDITS (AB 450):

Beware, California businesses are prohibited from voluntarily allowing ICE agents to enter non-public areas of their premises or question employees about their immigration status unless the agents present a judicial warrant. The State of California may fine employers who violate this provision, including fines of \$2,000 to \$5,000 for a first violation, and up to \$10,000 for repeat offenses, if employees file a labor complaint.

# WORKPLACE ENFORCEMENT: Guidance on Immigration Raids & I-9 audits

## MODEL WORKPLACE PROTOCOLS

- We recommend employers create protocols guiding staff on what to do if immigration agents come to their business and train staff to follow these protocols. Doing so adds an extra layer of protection and helps ensure employers do not unknowingly violate employment laws (See Model Employer Protocols, Addendum D)

## WHAT COULD EMPLOYERS AND CO-WORKERS DO IF ANY OF THEIR STAFF IS AFFECTED?

- **Ask where they're being taken and who to contact:** If ICE arrests any of your employees or coworkers, ask the agents where the person is being taken and contact their family members or emergency contact.
- **Employers may contribute to an immigration legal fund** for the detained employee, or help create one and encourage other employees and acquaintances to donate.
- After an I-9 audit, **employers may offer leave to affected workers** while they consult with immigration attorneys or apply for work authorization.
- **Employers must pay owed wages and accrued benefits promptly** in accordance with applicable employment laws.
- **Employers may provide separation pay to workers who cannot return to work.** If you do not have a separation pay policy, consider offering additional financial support to affected workers.

## IF YOU NEED:

- **Employment-based know your rights trainings.**
- **Immigration Consultations for Employees Affected by I-9 Audits in California**
- **General Workers' Rights Consultations**

**CONTACT US:  
(213) 201-8773**



# ADDENDUM A- SAMPLE JUDICIAL WARRANT VERSUS ADMINISTRATIVE WARRANT

AO 93 (Rev. 12/09) Search and Seizure Warrant

**This is a judicial search warrant. It DOES authorize agents to enter your home.**

UNITED STATES **DISTRICT COURT** - Issued by a COURT.

For the  
Eastern District of California

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*

540 Oak Avenue  
Davis, California 95616

Case No.



### SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

2:11-SW-0161 EFB

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of CALIFORNIA  
*(Identify the person or describe the property to be searched and give its location):*

**SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE**

**Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.**

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be seized):*

**SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE**

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

Date for warrant, not to exceed 14 days

**YOU ARE COMMANDED to execute this warrant on or before**

5-9-2011  
*(not to exceed 14 days)*

in the daytime 6:00 a.m. to 10 p.m.

at any time in the day or night as I find reasonable 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 person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

*(name)*

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*  for \_\_\_\_\_ days *(not to exceed 30)*.

until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: 4-25-2011  
at 10:00 AM



Signed by a JUDGE.

City and state: SACRAMENTO CALIFORNIA

EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE  
*Printed name and title*

# ADDENDUM A- SAMPLE JUDICIAL WARRANT VERSUS ADMINISTRATIVE WARRANT

This is issued by DHS, NOT a court

**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 above-named alien.

Signed by an immigration officer, NOT a judge

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

### 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)

This is an ICE administrative warrant. It does NOT authorize immigration agents to enter your home!


Form I-200 (Rev. 09/16)



# ADDENDUM B- SAMPLE NOTICE OF INSPECTION FOR I-9 AUDIT

## Sample Notice of Inspection

*Homeland Security Investigations*  
 U.S. Department of Homeland Security  
 1000 2<sup>nd</sup> Avenue, Suite 2300  
 Seattle, Washington 98104

 **U.S. Immigration and Customs Enforcement**

**NOTICE OF INSPECTION**

August 23, 2013

Dear Sir/Madam:

Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, requires employers to hire only United States citizens and aliens who are authorized to work in the United States. Employers must verify the employment eligibility of persons hired after November 6, 1986 using the Employment Eligibility Verification Form I-9.

Federal regulations require the provision of three days notice prior to conducting a review of an employer's Forms I-9. This letter serves as advance notice that U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) has scheduled a review of your forms for August 29, 2013. However, you may waive the three-day period, should you wish to do so, by annotating and signing page two of this letter and advising this office of your decision.

During the review, the Auditor will discuss the requirements of the law with you and inspect your Forms I-9. In addition to the presentation of your Forms I-9, you will need to present any documents copied as part of the employment eligibility verification process. If your business utilizes software for the electronic generation and storage of Forms I-9, you will need to present: the name of the software and vendor utilized; the internal business practices/protocols related to the generation of, use of, storage of, security of, and inspection and quality assurance programs your electronically generated Forms I-9; the indexing system identifying how the electronic information contained in the Form I-9 is linked to each employee; documentation of the system used to capture the electronic signature, including the identity and attestation of the individual signing the Form I-9; and the audit trail. Further, pursuant to 8 CFR 274a.2(e)(8)(ii) the Auditor may contact you in the future to schedule a live demonstration of the creation and maintenance of an electronically generated Form I-9.

B2 IMMIGRATION WORKPLACE RAIDS AND AUDITS

# ADDENDUM B- SAMPLE NOTICE OF INSPECTION FOR I-9 AUDIT

SUBJECT: Notice of Inspection  
Page 2

The purpose of this review is to assess your compliance with the provisions of the law. HSI will make every effort to conduct the review of records in a timely manner so as not to impede your normal business routine. For more information on the Form I-9 inspection process please visit <http://www.ice.gov/news/library/factsheets/i9-inspection.htm>.

Sincerely,



Assistant Special Agent-in-Charge

### Waiver of the Three-Day Period

I wish to waive the three day notice to which I am entitled by regulation.

\_\_\_\_\_  
(Printed Name)

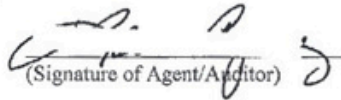
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

### Certificate of Service

This Notice of Inspection was served upon the employer by me on 8/23/2013, in the following manner: (Date)

In person

  
(Signature of Agent/Auditor)

\_\_\_\_\_  
(Signature of Employer if personally served)

# ADDENDUM B- SAMPLE NOTICE OF INSPECTION FOR I-9 AUDIT

1. To (Name, Address, City, State, Zip Code)	<b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>IMMIGRATION ENFORCEMENT SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
Request for Documents and Forms I-9 <small>(Title of Proceeding)</small>	 <small>(File Number, if Applicable)</small>

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A)  **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B)  **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date 08/29/2013
Name	(C) Time 11:00 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Title Auditor	
Address	
Telephone Number (206) 442-2218	

4. Records required to be produced for inspection

1) Original I-9 Forms, (Employment Eligibility Verification Forms) and any copies of attached documents presented at time of I-9 completion for all current employees.

Items 2) - 12) are listed on continuation sheet.



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official

*[Signature]*  
(Signature)

\_\_\_\_\_  
(Printed Name)  
Assistant Special Agent-in-Charge  
(Title)

\_\_\_\_\_  
(Date)

DHS Form I-138 (6/09)

B4

IMMIGRATION WORKPLACE RAIDS AND AUDITS

# ADDENDUM B- SAMPLE NOTICE OF INSPECTION FOR I-9 AUDIT

1. To (Name, Address, City, State, Zip Code)	<p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;"><b>IMMIGRATION ENFORCEMENT SUBPOENA</b></p> <p style="text-align: center;">to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4</p>
Subpoena Number _____	
<p>2. In Reference To</p> <p style="text-align: center;">Request for Documents and Forms I-9</p> <p style="text-align: center;">(Title of Proceeding) _____ (File Number, if Applicable)</p>	

4. Records required to be produced for inspection continued

- 2) Employee roster or payroll report listing employees employed from August 1, 2012 to present containing the following information:
  - Full employee name (First Name, Middle Initial, Last Name) and date of birth
  - Social security number
  - Date of hire and date of termination (if applicable). If employee has multiple dates of hire, provide all dates of hire and all dates of termination occurring from August 1, 2012 to present.
- 3) A current employee weekly or monthly work schedule and any prior work schedules maintained for the last year.
- 4) Monthly Payroll Reports for July 2012 to July 2013 with wage detail by employee.
- 5) Copies of the 4 most recent Washington State Unemployment Insurance Quarterly Tax Reports (Form 5208 A) and Quarterly Wage Detail Reports (Form 5208 B).
- 6) Independent contractor roster listing the dates of hire and termination (if applicable) for all independent contractors employed from August 1, 2012 to present.
- 7) A current listing of all paid on-call individuals you employ on a sporadic, irregular, or intermittent basis and not deemed to be an employee.
- 8) Copies of any Citizenship and Immigration Services (CIS) forms I-129 or I-140 petitions and Department of Labor (DOL) ETA-750 certifications submitted or received from 2012 to present.
- 9) Copy of articles of incorporation, business license and most recent annual report.
- 10) Employer Identification Number (EIC) and Taxpayer Identification Number (TIN) documentation. Names of all Managers, Supervisors and Legal Owners.
- 11) If available, copy of company procedures or policies regarding Form I-9 preparation.
- 12) Yes or No response to the following questions:
  - Participate in E-Verify program?
  - Previously received an I-9 Inspection by the Department of Labor?
  - Obtain employees from a temporary staffing agency? If yes provide the names of the temporary staffing agencies used from August 2012 to the present.

DHS Form I-138 (6/09)

IMMIGRATION WORKPLACE RAIDS AND AUDITS

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# ADDENDUM B- SAMPLE NOTICE OF INSPECTION FOR I-9 AUDIT

1. To (Name, Address, City, State, Zip Code)	<p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;"><b>IMMIGRATION ENFORCEMENT SUBPOENA</b></p> <p style="text-align: center;">to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4</p>
Subpoena Number	
<p>2. In Reference To</p> <p style="text-align: center;"><u>Request for Documents and Forms I-9</u></p> <p style="text-align: center;">(Title of Proceeding) <span style="float: right;">(File Number, if Applicable)</span></p>	

4. Records required to be produced for inspection continued

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- 12) Yes or No response to the following questions:
  - Participate in E-Verify program?
  - Previously received an I-9 Inspection by the Department of Labor?
  - Obtain employees from a temporary staffing agency? If yes provide the names of the temporary staffing agencies used from August 2012 to the present.

DHS Form I-138 (6/09)



# ADDENDUM C- I-9 AUDIT NOTICE TO EMPLOYEE

## NOTICE TO EMPLOYEE

### *Labor Code section 90.2*

Effective January 1, 2018, except as otherwise required by federal law, section 90.2(a)(1) of the California Labor Code requires employers to provide notice to current employees of **any inspection of I-9 Employment Eligibility Verification forms or other employment records** conducted by an immigration agency by posting a Notice, in the language the employer normally uses to communicate employment-related information to the employee, within 72 hours of receiving notice of the inspection.

**Name of the Immigration Agency Conducting the Inspection (more than one box may be checked, as appropriate):**

- ICE (Immigration and Customs Enforcement)
  - DHS (Department of Homeland Security)
  - USCIS (United States Citizenship and Immigration Services)
  - Other:
- 

**Date the Employer Received the Notice of Inspection:** \_\_\_\_\_

**Date the Inspection will be Conducted:** \_\_\_\_\_

**Location of the Inspection:**

- At the employer's place of business or worksite, located at the following address:
- 

- At a location other than the employer's place of business or worksite

**Subject of the Inspection (to the extent known, check all that apply):**

- I-9 forms
  - Supporting documents for I-9 forms (such as passports, driver licenses, social security cards, permanent resident cards)
  - Payroll records and data (including employee names, social security numbers, hire dates)
  - California Quarterly Contribution Return and Report of Wages (form DE9 or DE6)
  - Quarterly Wage and Hour Report
  - Any list of employees (including names, social security numbers, birth dates, hire dates, etc.)
  - Any correspondence from the Social Security Administration regarding mismatched or no-matched social security numbers
  - Documentation or correspondence identifying participation in E-Verify or the Social Security Number Verification Service
  - Other information or documents listing or identifying employees or their personal information (please briefly list and describe):
- 
- 

**A copy of the Notice of Inspection of I-9 Employment Eligibility Verification forms, and any accompanying documents, must be posted or given to employees with this notice.**

# ADDENDUM D: MODEL WORKPLACE PROTOCOLS

## **MODEL WORKPLACE PROTOCOLS**

### **PROTOCOLS FOR STAFF IN CASE OF IMMIGRATION**

#### **WORKPLACE ENFORCEMENT**

##### **ONLY AUTHORIZED STAFF MAY SPEAK TO LAW ENFORCEMENT**

In case of a law enforcement presence, the following are the ONLY staff authorized to speak to law enforcement. Any employee who comes into contact with law enforcement should say, "I'm not authorized to speak with you. Let me get the staff authorized to speak with you."

- PRIMARY: \_\_\_\_\_
- SECONDARY: \_\_\_\_\_
- EMERGENCY: If any of the above are not available, your Supervisor or Manager.

#### **CONSTITUTIONAL RIGHTS**

- Whenever employees come into contact with law enforcement in the workplace, they must follow company protocol by saying: ***"I will not answer your questions. I'm not authorized to speak with you. Let me get the staff authorized to speak with you," or "I can't give you permission to enter. You must speak with the authorized person."***
- If law enforcement insists on asking questions to unauthorized staff, we encourage all employees to continue repeating the phrase above and to get the authorized personnel to speak with them. If pressured further, all employees, regardless of status, are free to follow the training they received regarding their constitutional rights.
  - **All persons have the right to remain silent and refuse unreasonable searches or seizures.** Employees should not lie; they can simply say, *"I will not answer any questions. I have the right to remain silent, and I do not consent to any searches."* They also have the right not to take any actions that would be a form of speech. All persons have these rights.

# ADDENDUM D: MODEL EMPLOYER PROTOCOLS

## PRIVATE, PUBLIC, AND SEMI-PUBLIC AREAS

- **PUBLIC AND SEMI-PUBLIC AREAS:**

- The following areas of the workplace are public at all times:

\_\_\_\_\_

- The following areas of the workplace are semi-public (public only during business hours):

\_\_\_\_\_

- **All constitutional rights and workplace protocols apply in public and semi-public areas of the workplace.**

- **PRIVATE AREAS:**

- The following areas of the workplace are private areas at all times: \_\_\_\_\_

\_\_\_\_\_

- Always keep all doors to private areas locked. Make sure to carry your employee keys or badge when exiting private areas.
- Private areas should have a sign that says “PRIVATE AREA. Authorized Personnel and Clientele Only.”
- Please do NOT open any other side doors, as this would defeat our privacy protocols.

## INSTRUCTIONS FOR STAFF AUTHORIZED TO SPEAK TO LAW ENFORCEMENT

### 1) JUDICIAL WARRANTS ARE ALWAYS REQUIRED TO ENTER PRIVATE AREAS:

- **You must require a valid judicial warrant to enter private areas** and must contact the company's attorney or CEO prior to giving access to private areas.
- **Consent is not enough in California:** neither employees nor employers can give consent to enter private areas unless officers have a valid warrant. **If you give**

# ADDENDUM D: MODEL EMPLOYER PROTOCOLS

**consent or open doors, our company could be held liable for your actions under labor laws that explicitly prohibit granting access to private areas without a judicial warrant, so you must require a judicial warrant.**

- **Do not open doors to private areas:** You can ask officers to slide the warrant under the door or show it through a window if you're inside a private area.
- Judicial warrants **must be issued by a court and signed by a judge within the last 10 days (in California) or 14 days (outside of California).**
- Judicial warrants must be very specific about the area that can be searched and the items to be seized, or the person to be arrested. They are also valid only within a specified period. If a search is not conducted within the specified period, the warrant becomes invalid.
- **Administrative warrants** — warrants issued by the Department of Homeland Security and not by a court — **are NOT enough to enter private areas.**
  - If ICE shows you an administrative warrant (not a judicial warrant) with an employee's name, you do not have to say whether the employee is working there or not. You can say, ***"I'm not authorized to speak to you beyond verifying whether you have a valid judicial warrant or an I-9 Notice of Inspection."*** You do not have to take the ICE/DHS agents to the employee named on the warrant (even if they are working at the time in a public area).
- **If no warrant:** The authorized person or anyone tending to the inquiry must tell the officers, ***"I'm sorry. I'm not authorized to let you in. I'm going to politely ask you to leave now."***
- **If the officers have a search warrant:** The authorized person **MUST** take a picture of it and contact a higher-up immediately and before allowing anyone in. If an authorized person is not present, the person tending to the inquiry can take a picture of the warrant and say, ***"I am not authorized to let you in. I will have to contact a higher-up with authority to let them know about the warrant. Please take a seat, as it might take a minute or come back later."***

## 2) I-9 AUDITS

- If officers say they're there to do an I-9 audit — an audit to inspect employee records and other work-related records — **you must also request a Notice of Inspection and ask the officers to return in 3 days while we consult with our company's**

# ADDENDUM D: MODEL EMPLOYER PROTOCOLS

**attorney.** The Notice of Inspection is not enough to enter private areas, and it gives the company at least 3 days to provide records. Records do NOT have to be provided on the spot.

### 3) SUBPOENAS

- Subpoenas are demands to produce documents at a specified date and time; they are NOT warrants.
- **A subpoena on its own does not require you to allow an officer to enter the premises or execute a search.**
- If officers show a subpoena, the authorized person can contact their Manager or Employer for further guidance. However, since subpoenas are not warrants, the response to officers will generally be, ***"I will have to contact a higher-up with authority to let them know you have a subpoena. However, this is not a warrant, so unless instructed otherwise, I will not be able to let you in without a warrant. Please take a seat while I await further instructions,"*** or politely ask them to leave and come back when they have a warrant.

### 4) NO AFFIRMATIVE OBLIGATION TO HELP ICE

- There is no affirmative obligation to help ICE agents sort people by their immigration status, country of origin, or any other factor. Do not give ICE access to employees in private areas without a judicial warrant, and do not order employees to do anything in the process.

### 5) RECORDING AND REPORTING

- If you or a coworker is able, you should video or record what the ICE agents do at the workplace. You may be able to prove that the agents violated the constitutional rights of the workers or of our business.
- **Write or record things after ICE/DHS leaves:** record how many agents were present, how they were dressed, whether they were armed, and if the agents made you or others feel like you could not move or leave. Did the agents mistreat anyone? If yes, how?

# ADDENDUM D: MODEL EMPLOYER PROTOCOLS

## 6) VERIFYING OFFICER'S IDENTITY

- You can ask the officer for their name, identification, and agency, and for the purpose of being there.
- If you believe the “officer” is not an actual officer and they may be impersonating law enforcement, call 911 and require the presence of local police to confirm their identity.

## 7) IF CO-WORKERS ARE ARRESTED

- If ICE arrests any of your coworkers, ask the ICE agents where they're being taken and contact their emergency contact.

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## OTHER INSTRUCTIONS FOR ALL EMPLOYEES

### PRIVATE FILES

- Keep private client files in private areas of the office.

### DO's

- Remain calm.
- Remind your fellow co-workers of their rights.
- Document the interaction as thoroughly as possible, including recording via video if possible.

### DON'Ts

- DO NOT run.
- DO NOT grant consent to search or enter any non-public area.
- DO NOT physically attempt to restrain or obstruct officers.

# ADDENDUM D: MODEL EMPLOYER PROTOCOLS

- DO NOT lie to officers or make any false statements.
- DO NOT conceal or destroy evidence.
- DO NOT hide or conceal individuals on the premises (to avoid triggering “harboring laws”). However, you can have someone inside and not tell immigration if they don’t know. Think of it as if you had a guest in your house. If law enforcement shows up at your home and you have a guest they don’t know about, you are not obligated to tell them you have a guest there. However, if they come asking for a specific person that they believe is inside, do not lie to law enforcement. You can still ask for a warrant for them to enter the premises.
- Do not interfere with any detention or arrest (DO, however, ask the person being detained if they have a family member they want you to call).

# ENCOUNTERS WITH ICE: 5 PHRASES TO EXERCISE CONSTITUTIONAL RIGHTS

First of all, **DO NOT RUN**. Running could be wrongly interpreted as legal basis to arrest.

**1.** "Why are you stopping me?"

Regardless of what they answer, then ask:"



**2.**

"Am I free to go?"

If they say yes: Leave calmly.

If they are stopping you due to racial profiling and they say "no" or "yes, but first answer my question", exercise your constitutional rights by saying:

**4.**

"I do not consent to any search."

If they continue asking questions:

**3.**

"I do not wish to answer questions. I will remain silent under the Fifth Amendment."


Repeat it if necessary.

If they ask to search your car, workplace locker, phone, or person, say:

**5.**

"I will not answer any questions without a lawyer."

If you are detained/arrested, continue exercising your rights and call a family member as soon as you have access to a phone.





**CHIRLA**  
Coalition for Humane  
Immigrant Rights

# ENCUENTROS CON ICE: 5 FRASES PARA EJERCER SUS DERECHOS CONSTITUCIONALES

Primero que nada, **NO CORRA**. El correr podría interpretarse erróneamente como base legal para arrestarlo.

**1.** “¿Por qué me estás parando?”

Independientemente de lo que le contesten, después pregunte:



**2.** “¿Soy libre de irme?”

Si le dicen que sí: *Váyase tranquilamente.*

Si lo están parando por perfilamiento racial, y le dicen **“no”, o “sí, pero primero respóndeme mi pregunta”**, ejerza sus derechos constitucionales diciendo:

**4.** “No doy mi consentimiento para ningún registro.”


Si insisten con las preguntas:

**3.** “No deseo responder preguntas. Permaneceré en silencio bajo la Quinta Enmienda.”

Repítalo si es necesario.

Si le piden registrar su carro, locker en el trabajo, teléfono, o persona, diga:

**5.** “No responderé a ninguna pregunta sin un abogado.”

Si lo arrestan, continúe ejerciendo sus derechos  y llame a un familiar en cuanto tenga acceso a un teléfono.