

1. Designate a Point of Contact

- Select a calm, professional staff member to handle ICE interactions
- Designate a backup point of contact in case the primary is unavailable
- Train both individuals on:
 - Legal rights
 - Proper procedures
 - What to say and not say (consider providing a written script or FAQ)

2. Prepare Documentation

- Maintain accurate and complete I-9 forms for all current and former employees
- Retain I-9s for **3 years after hire or 1 year after termination**, whichever is later
- Store I-9s **separately** from other confidential personnel files
- Ensure I-9 documents are **on-site and easily accessible** in case of inspection
- Conduct periodic **internal I-9 audits** and document any corrections

3. Establish Workplace Protocols

- Create a **written policy** for handling ICE visits or audits
- Train all staff on how to respond to law enforcement and refer agents to the designated point of contact
- Clearly **mark private vs. public areas** with signage
- Train **front desk and reception staff** specifically on handling unannounced visits
- Prepare a **“Red File”** or emergency folder at the front desk containing:
 - ICE response protocol
 - Contact info for company legal counsel
 - Blank incident documentation forms

4. Know Your Rights

- Ask ICE agents for identification and agency
- Require agents to present a **judicial warrant signed by a judge** to enter private areas
 - Do **not** consent to entry or searches without a valid judicial warrant
- Understand the difference between:
 - **Judicial warrants** (signed by a judge) – required for entry into non-public areas
 - **Administrative subpoenas/warrants** (from DHS) – do *not* authorize entry
- Instruct employees **not to obstruct** agents but to remain calm and silent unless speaking to the designated point of contact
- Document all interactions in writing
- Record the interaction (audio or video) if possible, without interfering
- **Contact legal counsel immediately**
- If you receive a Notice of Inspection (NOI), post required workplace notices **within 72 hours**

5. Employee Support

- Develop and communicate an **emergency communication plan**
- Ensure all **employee emergency contact info** is up to date
- Offer **reasonable leave of absence** or accommodations if an employee is detained
- Provide or refer to **immigration legal assistance** (e.g., local nonprofits, legal aid, immigration attorneys)
- Share a written employee-facing version of your plan (consider translating into relevant languages)
- Reaffirm a **non-retaliation policy** for employees exercising their rights
- Maintain consistent and non-discriminatory policies across the workforce
- Make sure employees know their rights if approached by an agency outside of work
 - Suggest to employees that they carry proper identification with them at all times

6. Ongoing Compliance

- Regularly audit I-9 forms and fix errors using correct procedures
- **Shred I-9s** past the retention period to minimize liability
- Consider enrolling in **E-Verify** to verify employment eligibility, especially if you hire remote workers
- Track and monitor **expiration dates** of work authorization documents
- Review compliance practices of any **staffing agencies or vendors**
- Monitor legal and regulatory updates to immigration and employment laws
- Develop and follow procedures for handling **SSA No-Match Letters**
- Maintain a **policy on timely re-verification** of work authorizations