

# ICE at the Workplace

A comprehensive employer guide for lawful, calm, and effective response to immigration enforcement actions

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## Portland Immigration Law LLC

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**Important:** This guide is general information for employers. It is not legal advice for any specific situation. Laws and enforcement practices change. If ICE contacts your business, consult immigration counsel immediately. Portland Immigration Law LLC is a private firm offering confidential guidance. If our services are not the right fit or we are at capacity, we are happy to provide referrals to other trusted immigration practitioners in the Portland area.

## SECTION 1

# Before They Arrive — Preparation & Prevention

The single most important thing you can do is prepare *before* enforcement happens. Preparation protects your business, your employees, and your legal rights. The steps below should be completed this month — not when agents are at the door.

## Designate Your ICE Response Team

Choose 2–3 people who will be the designated points of contact if ICE arrives. These should be managers or owners who can make decisions under pressure. Everyone else — especially reception staff — should know to contact these people immediately.

- Choose a **primary contact** and at least one backup
- Post their names and phone numbers at the front desk and in break rooms
- Ensure at least one team member is available during all business hours
- Team members should have your immigration attorney's contact information memorized or on their phone

## Identify and Engage Immigration Counsel

Do not wait until agents are at the door to find a lawyer. Identify immigration counsel now and have their number ready. Discuss your response plan with them in advance.

**Portland Immigration Law LLC** can serve as your designated immigration counsel. We can review your response plan, train your team, and be on call for enforcement events. Reach us at **(503) 749-7700** or visit [pdximmigration.com](http://pdximmigration.com). If we are at capacity, we will connect you with another trusted firm.

## Map Your Public and Private Spaces

This distinction is critical. ICE can enter **public areas** without a warrant or your permission. They **cannot** enter private or non-public areas without a judicial warrant or your consent.

- **Public areas** (accessible without permission): lobbies, waiting rooms, parking lots, retail floors, restaurant dining areas
- **Non-public areas** (require warrant or consent): offices, kitchens, warehouse floors, break rooms, storage areas, any space behind a door or counter not open to the general public

**Post "Authorized Personnel Only" or "Private — No Public Access" signs on every door leading to non-public areas. These signs help establish that the area is not open to the public.**

## Train Your Staff

- **Reception / front desk:** They are your first line of defense. They should know exactly what to say and do when agents arrive. (See Section 2 and the scripts in Section 8.)

- **Managers:** They should know the response plan, where to find the attorney's contact information, and how to communicate with employees after an event.
- **All employees:** Provide Know-Your-Rights materials in the languages your employees speak. Post them in break rooms. Let employees know you support them.

### Get Your Compliance House in Order

- Conduct an **internal I-9 audit** — this demonstrates good faith and is your single best defense
- Make sure you're using the **current Form I-9** (revised January 2025)
- Fix I-9 errors the right way — attorney-guided, non-discriminatory corrections
- Store I-9 forms **separately** from personnel files
- Review anti-discrimination practices — over-documenting certain employees is itself a violation
- Display required E-Verify posters if enrolled

**Action item:** Complete all preparation steps above within the next 30 days. Assign someone on your team to own this checklist and report back when it's done.

## SECTION 2

## ICE Is at the Door — Response Protocol

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When agents arrive, the decisions made in the first few minutes matter enormously. A calm, lawful, consistent response protects your business and your employees. The protocol below is your playbook.

### The 7-Step Reception Protocol

- 1. Stay calm. Ask agents to wait in the lobby or public area.** Do not let them past the front desk until the response team arrives. Say: "Please wait here while I contact our designated representative."
- 2. Ask: "What is the purpose of your visit?"** Is this a Notice of Inspection (I-9 audit)? A search? An arrest warrant for a specific person? The answer determines what happens next.
- 3. Request identification.** Ask for agent names, badge numbers, and which agency they represent (ICE/HSI/ERO). Write these down or take photos with your phone.
- 4. Request copies of any warrants or legal documents.** Ask: "Do you have a warrant?" If yes: "May I see it and take a photo?" Do not surrender original documents.
- 5. Examine the warrant carefully.** Is it signed by a **judge** (judicial warrant) or by an **immigration officer** (administrative warrant)? This distinction controls everything. See Section 3.
- 6. State your company policy.** "Our company policy is that we do not consent to entry into non-public areas or access to non-public records without a judicial warrant or approval from our legal counsel."
- 7. Contact your ICE Response Team and attorney immediately.** Do not try to handle this alone. Your attorney should be on the phone within minutes.

**Critical:** Consent is the trap. ICE does not need consent from the owner or manager specifically. If *any* employee — a receptionist, a janitor, anyone — says "come in" or opens a door, that may be treated as consent to enter. This is why training your front-line staff is the most important thing you can do.

## SECTION 3

## Warrants, Subpoenas & Legal Documents

Understanding what agents are showing you is essential to knowing your rights. Not all warrants are created equal, and the difference can determine whether you must allow access or can lawfully decline.

### Judicial Warrant vs. Administrative Warrant

	Judicial Warrant	Administrative Warrant
<b>Signed by</b>	A federal judge or magistrate	An immigration officer (not a judge)
<b>What it looks like</b>	References Federal Rules of Criminal Procedure; court case number	DHS forms I-200 (arrest) or I-205 (removal)
<b>Authority</b>	Authorizes entry into non-public / private areas	Does NOT authorize entry into private areas
<b>Your obligation</b>	You must comply within the scope of the warrant	You may lawfully decline access to non-public areas
<b>What to do</b>	Comply. Escort agents. Document everything. Call your attorney.	State: "We do not consent to entry without a judicial warrant." Call your attorney.

### Other Documents You May Encounter

- **Notice of Inspection (NOI):** A written demand to produce your I-9 forms, usually within 3 business days. This begins an I-9 audit. See Section 4.
- **Subpoena:** A legal demand for documents or testimony. Must be complied with, but you should have your attorney review the scope before producing anything.
- **Consent forms:** ICE may ask you to sign a form consenting to a search. You are under no obligation to sign. Politely decline and state your policy.

**When in doubt, do not consent.** Politely state your policy: "We need to consult with our attorney before proceeding." You are not obstructing — you are exercising your rights.

## SECTION 4

## I-9 Audits (Notices of Inspection)

The most common form of workplace enforcement is the I-9 audit. ICE delivers a Notice of Inspection requiring you to produce your I-9 forms, usually within 3 business days. This is not a raid — but it can lead to significant penalties and follow-up enforcement.

### What to Do Immediately

1. **Date-stamp the NOI** the moment you receive it. This starts the clock.
2. **Make a copy** and send it to your immigration attorney immediately.
3. **Do NOT produce documents early.** Use the full response time to prepare.
4. **Confirm the scope** with ICE or your attorney: which locations, which time period, which categories of records are covered.
5. **Run an internal, attorney-guided I-9 review.** Identify errors and decide on a correction strategy with counsel before producing anything.
6. **Prepare an orderly production packet** — keep a complete copy of everything you submit.
7. **Plan employee communication.** Let staff know what's happening without causing panic. Emphasize non-retaliation.

### I-9 Correction: The Right Way

If your audit reveals errors, corrections must be done carefully and consistently. The wrong approach can create *additional* violations or discrimination claims.

- Follow federal guidance for corrections — do not start over with a new form unless directed
- Line through incorrect information, enter the correct information, and initial and date the correction
- Never request documents beyond what's legally required (this is discriminatory)
- Apply the same correction process to **all** employees — not just those you suspect may have issues
- Involve your attorney when you're uncertain — this is not the place to guess

### Potential Consequences

Violation Type	Potential Consequence	Notes
Paperwork violations (I-9 errors)	Fines assessed per form	Good-faith effort and self-audit reduce penalties
Knowingly hiring unauthorized workers	Significant fines per violation	Repeat offenders face criminal prosecution
Pattern/practice of knowing violations	Criminal prosecution	Business license revocation possible

**Your best defense:** A proactive internal I-9 audit demonstrates good faith. Good faith can significantly reduce penalties. If you haven't conducted one recently, do it this month.

## SECTION 5

# Raids, Searches & Employee Questioning

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If ICE conducts a worksite enforcement action — commonly called a "raid" — the situation is more intense than an audit. Agents may attempt to enter your workplace, question employees, and detain individuals. Your response must be firm, calm, and lawful.

### If Agents Present a Judicial Warrant

- Ask for a copy. Review the address, date, judge's signature, and scope.
- Send a copy to your attorney immediately.
- Comply within the stated scope — you must allow access to the specific areas and persons named.
- Escort agents to limit access to areas specified in the warrant.
- Document everything: what rooms they enter, what they take, who they speak to.
- If agents exceed the warrant scope, **politely note your objection** and document it. Do not physically interfere.
- Request an inventory receipt for any items or documents taken.

### If Agents Do NOT Have a Judicial Warrant

- State your company policy: "We do not consent to entry into non-public areas without a judicial warrant."
- Ask agents to remain in the public area.
- Do **not** direct employees to gather, line up, or respond to questions.
- Do **not** allow private interviews with employees without counsel present.
- Do **not** help ICE identify, locate, or bring specific employees to agents.
- Do **not** translate, confirm identities, or share personnel files.

### Employee Rights During Enforcement

Your employees have rights regardless of their immigration status. You may inform employees of these rights — and you should. You may **not** instruct them not to speak to ICE, but you **may** let them know they don't have to.

- **Right to remain silent.** Employees do not have to answer questions about birthplace, immigration status, or how they entered the country.
- **Right to a lawyer.** Employees may request to speak with an attorney before answering questions.
- **Right to refuse a search.** Employees may decline to have their belongings or person searched.
- **Right not to sign anything.** Employees should not sign documents without understanding them and consulting counsel.
- **Right to move to a neutral area.** Employees are not required to stay in one place or gather by immigration status.

## What You Must NOT Do

**During any ICE enforcement action, the following are prohibited:**

- Do NOT consent to non-public area searches without a judicial warrant
- Do NOT retaliate against or discipline employees based on the ICE visit
- Do NOT provide false information to agents
- Do NOT speculate or volunteer information beyond what is asked
- Do NOT hide employees or assist them in leaving the premises
- Do NOT help ICE identify, locate, or detain specific employees
- Do NOT hand over I-9s or personnel files without legal review
- Do NOT allow employee interviews without counsel guidance
- Do NOT interfere with a lawful search under a valid judicial warrant

## SECTION 6

# After ICE Leaves — Documentation & Stabilization

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What you do in the hours after enforcement matters almost as much as what you do during it. Documentation preserves your legal options. Communication stabilizes your team.

### Document Everything — Immediately

- **Write a timeline while memories are fresh.** Who arrived, when, what they said, where they went, who was present.
- **Collect copies or photos** of all documents shown or left by agents (warrants, NOIs, business cards, receipts).
- **List agent names, badge numbers, vehicles,** and any supervising officers.
- **Preserve CCTV footage** and access logs from the day.
- **Gather witness statements** from employees who were present.
- **Create a secure "ICE Incident File"** — keep all documents, notes, photos, and correspondence in one place, accessible to your attorney.

### Communicate with Your Team

Your employees will be shaken. Some may be afraid to return to work. Your response matters — both legally and as a matter of basic humanity.

- Send **one controlled message** to all employees — brief, factual, reassuring.
- Explain what happened, what's next, and who to contact with questions.
- Remind employees of your **non-retaliation policy** — make it explicit.
- Provide legal resources and hotline numbers (see Section 7).
- Do NOT discuss details publicly or with media until counsel has reviewed.
- Route all media inquiries to one designated spokesperson.

### If an Employee Was Detained

- **Contact their emergency contacts on file.** This is why updating emergency contacts NOW matters.
- **Find out where they are being held.** Ask agents at the scene. Use the ICE Detainee Locator at [locator.ice.gov](http://locator.ice.gov).
- **Call an immigration attorney immediately.** The first few hours after someone is detained are critical in the effort to prevent transport to a detention facility far from home.
- **Ensure all owed wages are paid.** An employee's immigration status does not affect your obligation to pay wages earned.
- **Preserve their job if possible.** Consult counsel on your obligations and options.

**Legal consultation after an enforcement event:** Portland Immigration Law LLC can help you assess what happened, evaluate whether ICE exceeded its authority, and plan next steps for your business and employees. Call us at **(503) 749-7700**.

## SECTION 7

# Supporting Your Employees

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Your employees who are undocumented or between statuses are not in that situation by choice. Many have been trying to "do the right thing" for years — filing applications, paying fees, hiring lawyers, waiting. The U.S. immigration system is one of the most complex areas of law in the country, with wait times measured in decades and no available path for most people. Once you understand that, everything about how you support your employees changes.

### Proactive Steps You Can Take

- **Distribute Know-Your-Rights materials** in the languages your employees speak. Cards and flyers are available from the ACLU of Oregon and NILC.
- **Update emergency contacts for all employees.** Make this a routine HR practice, not a targeted effort. Ask everyone.
- **Offer time off or funds for legal consultations** with an immigration lawyer. Even employees who don't have a path to status benefit from understanding their situation.
- **Talk to your employees.** A company-wide message: we know this is scary, we see you, we have your back. This matters more than you think.
- **Help employees build a family preparedness plan.** Who will care for their children? Where are their important documents? Who has power of attorney? Portland Immigration Law offers a free Family Preparedness Packet to help families with this process.

### Consider a Legal Defense Fund

If an employee is detained, bond amounts typically range from \$1,500 to \$25,000 or more. An employee who can't make bond may sit in detention for months, unable to work or care for their family. Some employers are choosing to establish emergency legal defense funds — either as a formal program or simply a commitment to cover initial consultation costs.

How far does your organization want to go? There's no wrong answer, but there's a wrong time to start thinking about it — and that's after someone is already in custody.

### Resources for Employees

- **Portland Immigrant Rights Coalition (PIRC):** 1-888-622-1510 — report ICE activity in Oregon
- **ACLU of Oregon Know-Your-Rights materials:** [aclu-or.org](http://aclu-or.org)
- **Immigrant Legal Resource Center (ILRC):** [ilrc.org](http://ilrc.org) — family preparedness resources
- **Equity Corps of Oregon:** Financial support for detained individuals
- **SOAR Immigration Legal Services:** Portland-based, DOJ-recognized
- **ICE Detainee Locator:** [locator.ice.gov](http://locator.ice.gov)
- **NW ICE Processing Center (Tacoma, WA):** (253) 779-6000

**Free resource:** Portland Immigration Law offers a **Family Preparedness Packet** — a step-by-step guide for employees to protect their families in case of detention. It includes Oregon-specific legal forms, Know-Your-Rights information, and emergency planning worksheets. Ask us for copies to distribute to your team.

## SECTION 8

# Sample Policies, Scripts & Quick Reference

The materials below are ready to customize and implement. Post them, train on them, and review them regularly.

## Sample Company Policy Statement

### "No Consent" Policy:

It is the policy of [Company Name] that no employee shall consent to entry into non-public work areas or provide access to non-public records to any law enforcement agency — including U.S. Immigration and Customs Enforcement (ICE) — unless required by a valid judicial warrant, subpoena, or court order, or unless specifically approved by our designated legal counsel.

All law enforcement visits must be directed to the ICE Response Team. No employee should attempt to answer questions, produce documents, or grant access without Response Team authorization.

This policy applies to all employees, managers, and contractors. Violation of this policy may result in disciplinary action.

## Sample Script: Reception / Front Desk

*When agents arrive, use this language:*

"Good morning/afternoon. May I see your identification? [Take notes or photos.] What is the purpose of your visit? [Document the answer.] Our company policy requires that I contact our designated representative before anyone enters non-public areas. Please wait here while I make that call. We do not consent to entry into non-public work areas without a judicial warrant signed by a judge. May I offer you a seat while we wait?"

## Sample Script: Manager / Response Team

*When contacted by reception:*

"Thank you for contacting me. I'll be right there. Please ask the agents to wait in the lobby and do not allow anyone past the front desk." [Upon arrival:] "I'm [Name], the designated representative for our company. May I see your credentials

and any legal documents you have? Our policy is to consult with our attorney before proceeding. I'm going to contact them now. We will cooperate fully within the scope of any valid legal process."

## Sample Post-Incident Employee Communication

*Send to all employees after an enforcement event:*

"Dear Team – Today, federal agents visited our workplace. We want you to know that we followed our established protocol and consulted with our attorney. Your safety and rights are our priority. We have a strict non-retaliation policy – no one will face consequences for exercising their rights. If you have questions or concerns, please speak with [Contact Name]. If you would like to speak with an immigration attorney, resources are posted in the break room and you may request time off for a legal consultation."

## Recommended Door Signage



## Quick Reference: Print & Post

Post this page at reception, in manager offices, and anywhere your ICE Response Team works.

### ICE RESPONSE TEAM

Primary: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Backup: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Attorney: \_\_\_\_\_ Phone: \_\_\_\_\_

### WHEN AGENTS ARRIVE

1. Stay calm. Ask agents to wait in the lobby.
2. Ask: "What is the purpose of your visit?"
3. Request ID (names, badge numbers, agency).
4. Ask: "Do you have a warrant?" Take a photo.
5. Check: Is it signed by a **judge**? (If not, you may decline entry to private areas.)
6. State: "We do not consent to entry without a judicial warrant."
7. Call your ICE Response Team and attorney immediately.

DO	DO NOT
<ul style="list-style-type: none"> <li>✓ Remain polite and professional</li> <li>✓ Ask to see warrants/documents</li> <li>✓ Call your attorney immediately</li> <li>✓ Document everything</li> <li>✓ Inform employees of their rights</li> <li>✓ Escort agents if judicial warrant</li> </ul>	<ul style="list-style-type: none"> <li>✗ Consent to non-public area entry</li> <li>✗ Help ICE identify employees</li> <li>✗ Volunteer information</li> <li>✗ Sign consent forms</li> <li>✗ Retaliate against employees</li> <li>✗ Interfere with lawful searches</li> </ul>

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### **Additional resources:**

NILC Employer Guide: [nilc.org](https://nilc.org) | DOJ Employer Hotline: 1-800-255-8155  
DOJ Worker Hotline: 1-800-255-7688 | ICE Detainee Locator: [locator.ice.gov](https://locator.ice.gov)  
Oregon State Bar Lawyer Referral: (503) 684-3763

This guide is provided as an educational resource. It does not constitute legal advice.  
Please consult an immigration attorney for guidance on your specific situation.  
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