Employer Quick Guide: Responding to ICE Visits & Audits

1. Stay Calm & Organized

- Designate a trained Point of Contact (POC) to interact with ICE.
- Assign backup roles (legal contact, HR lead, security or facilities contact).
- Keep legal counsel on call and confirm after-hours contact procedures.
- Maintain an updated I-9 compliance binder (electronic and physical).

2. Know the Types of ICE Actions

- Notice of Inspection (NOI): Employers usually have 3 business days to provide I-9s.
- Worksite Enforcement Action (Raid): Agents may appear unannounced.
- Subpoena or Warrant: Grants access to records or premises.
- Administrative Warrant – signed by ICE, does not authorize entry into private areas.
- Judicial Warrant – signed by a judge, authorizes entry into specified areas.

3. Verify ICE Authority

- Ask to see identification and the purpose of the visit.
- Request and copy the subpoena, warrant, or NOI.
- Do not grant access beyond what the warrant allows.
- If only an administrative warrant is presented, restrict ICE to public areas.

4. Protect Employee Rights

- Employees are not required to answer questions without an attorney.
- They have the right to remain silent and request legal representation.
- Do not provide more information than legally required.
- Train staff in advance to politely refer ICE agents to the designated POC.

5. Communication Protocols

- Notify immigration counsel immediately.
- Alert HR and leadership as soon as ICE arrives.
- Prepare a response script for front desk or security staff.

6. Document Everything

- Keep a log of agent names, badge numbers, and the agency division.
- Record the date, time, and scope of the interaction.
- Retain copies of all requests and documents provided.
- Note whether ICE restricted or broadened the visit beyond the warrant.

7. Recordkeeping & Compliance

- Ensure I-9s are complete, accurate, and corrected properly (never backdated).
- Retain I-9s for the longer of three years after hire or one year after separation.
- Safely dispose of outdated records so they are not produced unnecessarily.
- Conduct periodic internal audits or mock inspections with legal counsel.

8. Follow-Up & Legal Strategy

- Meet with counsel immediately after the visit to assess exposure.
- Correct identified deficiencies and implement compliance improvements.
- Prepare for follow-up visits or further investigation.
- Consider training sessions to strengthen readiness for future actions.

Key Legal Tips

- Do not retaliate against employees who assert rights or raise concerns.
- Never knowingly hire or continue to employ unauthorized workers.
- Maintain a clear record of compliance efforts to show good faith.

For compliance support and workplace investigations, contact:

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