

## Preparing For U.S. Immigration and Customs Enforcement (ICE) Interactions

Since January 20, 2025, the Trump administration has been working to swiftly implement various policies, including its immigration policy objectives. One part of these objectives is increased enforcement measures through U.S. Immigration and Customs Enforcement (known as “ICE”). Employers and businesses alike should be prepared for potential ICE interactions.

### WHAT IS ICE?

ICE operates under the U.S. Department of Homeland Security and enforces U.S. immigration laws and policies. ICE enforcement measures include administrative review of I-9 Employment Eligibility Verification Forms and also other in-person enforcement actions. ICE identifies, apprehends, and detains removable foreign nationals, and removes – or departs – foreign nationals who entered the U.S. with documentation but overstayed, or entered the U.S. without documentation (undocumented). This represents a general overview of ICE operations and foreign nationals who are the focus of those actions.

### RECENT CHANGES

On January 21, 2025, the Trump administration rolled back a policy that restricted federal immigration authorities from executing enforcement activities in or near protected “sensitive” locations. These locations include schools, churches, and hospitals or other healthcare facilities. The Trump administration has expressed intentions to focus on persons in the U.S. without lawful status who have committed crimes. Reports also indicate increased ICE enforcement operations across the country, primarily through in-person enforcement actions.

### HOW TO PREPARE FOR ICE INTERACTIONS

ICE visits generally occur without notice. Businesses and organizations should prepare for potential ICE interactions proactively. Doing so can identify potential areas of concern and help to manage an ICE site visit, should one occur.

#### **General Preparation Planning**

- Conduct trainings for management and/or employees on how to interact with ICE agents and have a plan in place;
- Designate a trained point of contact to interact with ICE agents;
- Conduct trainings for employees on their legal rights when interacting with ICE agents;
- Complete audit of I-9 forms to review compliance to mitigate potential penalties; and
- Conduct I-9 training to ensure ongoing compliance.

### **What to Expect**

If ICE agents arrive at your place of business, strategic preparation including effective policies and trainings can help ensure smooth and minimally disruptive interactions. ICE agents may employ tactics to gain access or information. Interactions with enforcement agents can be intimidating or uncomfortable. Understanding your rights can help ensure that enforcement actions proceed as prescribed under the law. Key takeaways are summarized below:

- **Restricted Access to Non-Public Areas:** ICE does not have the authority to enter non-public areas without consent or a judicial warrant.
- **Review Warrants:** Always ask to review and verify that a warrant is signed by a judge with proper jurisdiction and to confirm the parameters identifying specific areas or individuals. Please note: ICE may present an administrative warrant – signed by an agency official – but these do not provide legal authority to enter non-public areas without consent.
- **Review I-9s:** Unless the judicial warrant provides for the inspection of I-9s, ICE must provide an employer with 3 days' notice to review I-9 forms.
- **Providing Information and Assistance:** Unless required by a signed judicial warrant, there is no obligation to provide information regarding employees, customers, visitors, etc. in the form of schedules, personal documents, or other information.
- **Documenting the Interaction:** Request and document ICE agents' names and badge numbers. Document the type of warrant presented (ask for a copy if one is not provided to you), all actions taken, and any instances of threats, or perceived mistreatment or misconduct. You may record video if you feel safe doing so, and do not interfere with authorized ICE activities.
- **Right to Consult Attorney:** Employers or business owners can contact an attorney in real-time to help manage an ICE visit. If detained, employees have the right to consult an attorney. You can provide resources to connect employees with an advocate or attorney.

Additionally, trainings can help prepare individuals to remain calm and professional during ICE interactions and help to avoid escalation or distress.

## **WHAT TO DO AFTER AN ICE INTERACTION**

### **Review and Assess**

Confusion can arise during ICE interactions. ICE may identify an individual incorrectly, or detain persons with authorization, including U.S. citizens. It is advisable to debrief, review and assess an in-person enforcement action or audit with legal counsel to determine next steps. Review any documentation of the interaction, complete additional documentation as soon as possible to retain details, and revisit educational and compliance opportunities. If ICE exceeded its authority or there was misconduct, a complaint can be filed.

### **Do Not Retaliate**

Do not retaliate against employees for appropriately exercising their rights during an in-person ICE enforcement action. Do not retaliate against employees who report noncompliance to ICE or suspected noncompliance. Retaliatory actions may result in additional legal consequences. It is advisable to consult with legal counsel before taking any action.

**Provide Support**

ICE interactions can be uncomfortable or upsetting. Provide information on resources for counseling or emotional support or provide information regarding an applicable Employee Assistance Program (“EAP”). An EAP provides voluntary confidential support, resources, and referrals for employees.

**Revisit Compliance**

An ICE interaction, or increased ICE coverage and presence, can serve as a reminder for employers and businesses to regularly audit I-9 records to ensure compliance with immigration laws. Such measures can help employers to avoid knowingly employing unauthorized foreign workers to reduce the risk of future enforcement actions or penalties.

**Be Proactive**

Take the time to consult with legal counsel to revisit and revise policies, or to explore new or updated trainings regarding ICE interactions, I-9 compliance, and immigration policies and procedures most relevant to your workplace or business.

Employers, businesses or individuals with additional questions, or in need of additional support for developing response strategies or trainings, or with reviewing, revising or adopting policies to comply with federal immigration law can contact [Derek Illar](#) and [Allison Bustin](#).



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