



When ICE Comes to Your Workplace: A Guide for Public Employees

Public employees are the backbone of the services that keep our communities safe, functional and just.

Whether you work in a courthouse, public school, state agency, hospital or municipal office, your role is essential to strengthening public trust and upholding democratic values.

Due to recent changes to immigration policy, you may find yourself on the frontlines of immigration enforcement if Immigration and Customs Enforcement (ICE) officers or other federal agents come into your workplace seeking information or access. As a public worker, **it's important to understand your rights and responsibilities when these situations arise**—not just to protect yourself and your colleagues, but to ensure that the communities you serve are treated with dignity and fairness.

This guide was created to help you navigate these encounters. Local laws, agency protocols and collective bargaining agreements may vary, so it's critical to stay informed and connected.

If ICE (or another agency, such as Customs and Border Protection) comes to your workplace, **immediately notify your supervisor and your union representative**. By staying informed and standing together, we can protect our rights and uphold due process.



Institutional preparedness is key!

Despite the changes to immigration policy, everyone in the United States has constitutional rights, including the right to remain silent, the right to an attorney and the right to due process. It's important that your places of work take proactive steps in ensuring that immigration enforcement actions do not interfere with the delivery of services or compromise the trust you have built with community members. Remember, it's not just about protecting the community members you serve, but also protecting your colleagues and union siblings who could be targeted as well because of their immigration status.

If your workplace hasn't created a plan of action to deal with immigration enforcement actions, it's important to be proactive and create one. It's important to clearly mark spaces that are private vs. public. Individuals have a right to refuse warrantless searches of private areas. Different legal standards apply to public areas like lobbies, as opposed to private areas, staff lounges and break rooms if they are clearly marked.



ICE (or other federal agents) just showed up at your workplace—here's what to do

If federal agents carrying out immigration enforcement actions show up at your workplace, remain calm. You are not obligated to engage with or assist ICE officers right away. Follow your worksite protocols for this situation. If protocols don't exist, take the time to go through these steps, protecting your individual rights and following the law.

1. Request identification

- a. Federal agents may be in uniform, armed and easily identifiable. Still request identification.
- b. If officers are in plain clothes and masked, ask them to identify themselves and what agency they are from with an official credential.

2. Notify your supervisor

- a. If a federal agent is present, notify your supervisor. They will likely be aware of any state or local legislation that affects how you must cooperate with ICE and can help support you through the process.

3. Request documentation (warrant, subpoena, court order)

- a. Federal agents must have a valid warrant to search and/or seize anything from your workplace. **Ask if they have documentation from a federal judge that authorizes their actions.**
 - i. If federal officials attempt to search or seize something without this documentation, unless your department has an outstanding agreement with other terms, this is illegal. Note their badge numbers and names and alert your supervisor immediately.
- b. Federal agents may show you an **administrative warrant**. These documents have no relevant legal force and require no action by non-ICE agents (you). They are not issued by a judge and **cannot alone authorize search and seizure**. See Example 1 below for ways to identify an administrative warrant.
- c. If federal agents have a **federal or judicial warrant, subpoena or other court order**, you **must comply** with what the document requires. Remember, judicial warrants, subpoenas and other court orders are limited in scope for the actions listed. Contact your supervisor first to clarify your responsibilities. See Examples 2 and 3 for ways to identify these documents.

4. Next steps

- a. If federal agents do not have a valid court order, you are under no obligation to take action on their behalf or provide them with any information.

- b. If federal agents have a valid **judicial warrant, subpoena or court order**, they may be:
 - i. Looking for a specific person or group of people.
 - ii. Asking for specific records or data.
 - iii. Requesting contact information.
 - iv. Sweeping the area/worksite.
- c. You **must comply** with the information request if federal agents have a valid warrant. It is illegal to obstruct or interfere with an arrest.
 - i. Pay attention to what information the warrant covers. You are only required to provide this information to ICE officials. A supervisor can help with this clarification.
 - ii. You are not required to comply with any requests outside those detailed in the warrant.

5. Contact your union representative

- a. Ask any questions about worksite protocols for handling immigration enforcement actions. Who should be contacted? Ask about if and how you should cooperate with ICE.
- b. Clarify what happens if you **refuse to cooperate**, including any disciplinary action that may be taken against you.
- c. Protect yourself from legal consequences of compliance. You should not be utilized as de facto ICE agents to carry out immigration enforcement actions.
 - i. If you participate in immigration enforcement action that is discriminatory, causes unlawful detention or otherwise violates a person's rights, you or your employer could be liable for damages.

Document references: What to look for

EXAMPLE 1: ADMINISTRATIVE WARRANT

From: Department of Homeland Security, **not a judge**

Title: Warrant for Arrest of Alien, Warrant for Removal/Deportation

Signature: Authorized immigration officer

Obligation to act: None for non-ICE personnel. ICE administrative warrants have no relevant legal force requiring action from you because they are not issued by a judge. ICE has no authority to enter a private area or access and obtain records. Contact your supervisor. You are under no obligation to provide the requested information.

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

Warrant for arrest, NOT search

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.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Not a Judges Signature Line

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)

Form I-200 (Rev. 09/16)

EXAMPLE 2: JUDICIAL WARRANT

From: A court (U.S. District Court), a federal judge

Title: Search and Seizure Warrant

Signature: Federal judge ("Honorable ____")

Obligation to act: You must comply with the terms of a judicial warrant. You should contact a supervisor immediately to determine who is responsible for acting and what information/access is required. Do not attempt to obstruct the action of ICE officials with a judicial warrant. Lying to, obstructing or threatening a law enforcement officer is illegal and could provoke legal action.

Look for Name & Address

AO 93 (Rev. 01/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Southern District of California

In the Matter of the Search of _____)
_____) Case No. _____
_____) **Look for Name & Address**
_____) _____

States 'Search' → **SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

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 _____ District of _____
(Identify the person or describe the property to be searched and give its location.)
See Attachment A-2.

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-2.

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

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 10 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at anytime 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: _____ Judge's signature _____ **Look for a line that requests & obtains the Judge's Signature**
City and state: _____ Printed name and title _____

EXAMPLE 3: SUBPOENA

From: A court (U.S. District Court)

Title: Subpoena, U.S. District Court

Obligation to act: A subpoena will command specific records be provided to the court. You must comply with the orders in this document. You should contact a supervisor before anything to determine who is responsible for acting and what information/access is actually required. Do not attempt to obstruct the action of ICE officials with a court order/warrant. Lying to, obstructing or threatening a law enforcement officer is illegal and could provoke legal action.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action	
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UNITED STATES DISTRICT COURT	
for the	
Central District of California	
In re DMCA Subpoena to YouTube, LLC)
Plaintiff)
v.) Civil Action No.
)
Defendant)
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION	
To:	YouTube, Inc., Designated Copyright Agent 901 Cherry Ave., San Bruno, California 94066
	(Name of person to whom this subpoena is directed)
✓ Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: SEE ATTACHMENT A	

Frequently asked questions

1. Will ICE officials be working with state/local agencies?

This depends on the state, county and local laws that have been adopted. ICE alone does not have the authority to command state and local agencies. However, some localities have adopted 287(g) agreements, which allow state and local law enforcement officers to collaborate with the federal government to enforce federal immigration laws. Always ask for identification and relevant legal justification (a warrant, subpoena or other court order) before sharing information.

2. What am I legally required to provide to ICE if asked?

There is generally no legal requirement to do anything for ICE, including providing records or other information, unless there is a signed judicial warrant, subpoena or other court order. However, if your specific agency, employer or collective bargaining agreement includes cooperation requirements, additional administrative consequences may apply. If ICE presents a court order, you are obligated to provide the specific records cited in the order. Always contact a supervisor before providing any records. Never obstruct, lie to or interfere with an ICE officer—doing so is illegal.

3. Do I need to report every undocumented individual I encounter to ICE?

No, private citizens are not under any obligation to report undocumented immigrants or volunteer any other information to ICE. There are select government agents that may have some such obligation, but this mostly applies to law enforcement. Refer to the resources below and speak to your supervisor to clarify individual responsibilities.

a. Am I obligated to share any immigration information with ICE?

No, you are not required to share any personal identifiable information with ICE or any other federal agent unless required by law. If you work at a school or health center, there are other privacy protections and laws that prohibit the sharing of personal identifiable information. Sharing that information without the consent of the individual is a violation of their civil rights, and you could face penalties.

4. What happens if I do not cooperate with ICE?

It is not illegal to decline cooperation with ICE. However, if ICE presents you with a court order, you must comply with the terms of that order. Obstructing, lying to or interfering with a law enforcement officer is illegal. It is also illegal to harbor undocumented immigrants. Declining to cooperate with ICE does not constitute harboring undocumented immigrants.

a. What does it mean to harbor undocumented immigrants?

It is illegal to “conceal, harbor or shield” unauthorized individuals in the United States. Simply knowing of an undocumented person’s status does not constitute harboring. Harboring is recognized as facilitating an undocumented immigrant’s residency in the United States by preventing authorities from detecting them, providing direction on how to obtain false documentation, or substantially concealing them.

b. Can I be arrested for not complying with ICE?

No, declining to help ICE gives them no basis to arrest or detain you. However, if you attempt to obstruct, lie to or threaten an ICE officer, you are breaking the law. This includes declining to comply with a judicial warrant, subpoena or other court order.

5. What if ICE is outside my workplace?

If ICE is outside your workplace, you may ask them to leave, but they are able to remain in public spaces like any other person. If they are in a public area inside your workplace (such as a lobby or waiting room), you may ask them to leave unless they provide valid documentation of a warrant or subpoena. Always write down ICE officers' names and badges if they are waiting outside your place of work or inside a public area.

For additional resources to support immigrant communities, visit the AFT's immigration hub at www.aft.org/immigration.

Helpful resources

[A Know Your Rights Toolkit for Public Sector Workers \(SEIU and ILRC\)](#)

[Know Your Rights: Immigration Administrative Subpoenas \(ACLU\)](#)

[State Policies Limiting or Expanding Involvement in Immigration Enforcement \(ILRC\)](#)

[Employer Rights and Responsibilities in Case of Workplace Raid \(American Immigration Lawyers Association\)](#)

[Pamphlet on Harboring \(National Immigration Project\)](#)

[More on the 287\(g\) Program \(American Immigration Council\)](#)

[Outside the Workplace: Your Individual Rights if Confronted by ICE \(National Immigrant Justice Center\)](#)

[Distinguishing Between Administrative and Judicial Warrants \(Luminus\)](#)

Information for this guide was compiled by Madeleine Cierski in the AFT Public Employees Department using the SEIU's "Know Your Rights Toolkit for Public Sector Workers" and the ACLU's "Know Your Rights: Immigration Administrative Subpoenas" resources.