



FAQs on Nonprofit and Small Business Rights with Respect to Immigration and Customs Enforcement (ICE) January 23, 2025

As a nonprofit or small business owner, it is critical to know your rights and responsibilities if immigration enforcement officials appear at your facility, office, or workplace. Here are some answers to common questions on this topic. ***Template policies on immigration enforcement are attached to this publication and a recording of our webinar on this topic can be found [here](#).**

1. What information should I request from clients/customers and how should I store it?

Only request and store necessary data. Without a specific business need to ask for or keep certain information, it may be best not to do so. This is essential because all stored data is vulnerable to investigation if ICE appears at your location with proper documentation (e.g., judicial search warrant or subpoena). With these documents, ICE may be able access sensitive information like Social Security Numbers or ITINs if you have them stored.

For example, if you need proof of residency status, you can request a utility bill from clients or customers in lieu of a passport.

Data retention looks different depending on whether you store information online or in physical files. Digital files should be encrypted and password-protected for security. Enable dual-factor authentication as an additional safety measure. Limit access to these files to only necessary personnel. If your business or nonprofit stores information in physical files, confirm that they are in a safe location and protected with locks.

Create a written policy that covers information disclosure and retention if you do not have one already. Generally, advise that employees and staff not open links from unfamiliar senders, do not save files to their personal devices, and do not download programs without company consent. Employees and staff should be trained on your data storage, privacy, and disclosure policies. Click [here](#) for Public Counsel's sample data retention policy for nonprofits.

2. What are my responsibilities as an employer related to I-9 Audits?

As an employer, you have an obligation to ensure that all employees hired by your organization are authorized to work in the United States.

ICE I-9 Audits

An I-9 Audit is when ICE wants to check that all of your employees are authorized to work in the United States. These audits may be random or based on specific information ICE receives (e.g., from a tip or surveillance).

ICE will serve a Notice of Inspection to an employer via mail or in-person to initiate the audit. That notice may ask the organization to deliver I-9s, payroll documents, lists of current employees, articles of incorporation, and/or business licenses for ICE to inspect.

Contact a lawyer as soon as you receive the Notice of Inspection. You will have three (3) days to comply with ICE's request. Make sure to take this three-day period in order to prepare documents and respond to ICE's questions. Waiving the three-day period allows ICE to investigate immediately.

These inspections will occur either at the employer's worksite or at an ICE field office. As ICE is inspecting, they may be suspicious if they observe more workers on site than I-9 forms presented, and if they observe many employees being paid in cash.

ICE will not need a separate search warrant to access I-9s, but you and your staff should still exercise your constitutional rights to limit the inspection to the scope of the Notice of Inspection.

Here are some important policies and procedures to follow if ICE arrives at your workplace for an audit:

1. Contact your lawyer or a trusted non-profit legal service provider as soon as possible.
2. Do not give ICE consent to speak with employees.
3. Ask ICE agents to wait outside and avoid letting them enter without a valid and signed judicial warrant. If they do have a signed judicial warrant to enter and inspect the premises, arrange for ICE inspector to be accompanied at all times while on the premises. Granting them permission to enter does not allow them to approach employees to ask about their right to be in the United States.
4. Only give ICE agents what they have requested. Keep I-9s and other employee files separately. You can insist upon a subpoena or judicial warrant to access other personal information aside from I-9s. If you get a subpoena, speak to a lawyer as soon as possible.
5. Ask ICE inspectors to review I-9 forms outside of your organization's office.
6. Post this notice of inspection for employees to see within 72 hours of receiving a Notice of Inspection. You must also notify specific employees whose I-9s are deemed defective by ICE.

If ICE finds unauthorized employees at your organization, you will be given ten (10) days to provide valid work authorization. If you cannot, you must terminate that unauthorized worker's employment or place the worker on leave until they obtain work authorization.

Internal I-9 Audits

Employers should not conduct any internal discriminatory or retaliatory audits. For example, performing any audit based on an employee's national origin is prohibited. Before conducting an audit, consider its timing, scope, and selective nature. For more information, you can find ICE guidance on internal audits for employers [here](#).

For additional information on I-9 audits and workplace authorization, please read Public Counsel's Work Authorization FAQ for Employers publication [here](#).

3. What are my organization and our staff/clients' rights when interacting with law enforcement such as ICE?

The Department of Homeland Security has two branches that carry out immigration enforcement: the Homeland Security Investigations (HSI) unit and Immigration and Customs Enforcement (ICE). HSI handles workplace enforcement operations and is typically responsible for workplace raids. ICE has been tasked with arrests and deportations of individuals.

Even though they may be difficult to exercise, everyone has a right to:

- Stay silent
- Ask for identification
- Document and record interactions with immigration enforcement
- Deny entry into private spaces if ICE agents arrive without a judicial warrant (due to the Fourth Amendment's protection from unreasonable searches and seizures)
- Ask for supporting documentation (e.g., warrants and subpoenas)

4. What should my organization's written policy on interactions with law enforcement include?

Written policies are valuable tools to help protect your clients' and organization's legal rights if immigration enforcement arrives at your facility, office, or workplace. Policies also facilitate discussion and agreement and assure staff of their safety. With a written policy, a staff member can tell law enforcement, "Our policy states that I am not allowed to . . ."

Ensure that your written policy contains the following elements:

- **Scope of the policy**
 - When policy should be applied, which properties/locations policy applies to, staff roles/locations (e.g., owner, property manager, reception, off-site staff) and obligations (e.g., receptionist will call property manager when law enforcement arrives)
 - Address all interactions with law enforcement and official visitors, not just visits from ICE
 - Organizational/employee information

- **Data collection and preservation**
 - Safely store all employee and client information. The plain view rule allows law enforcement to access any document that is openly visible. If sensitive documents are on your desktop, sitting in your trash can, or at the top of a pile of papers, law enforcement can look at them. They may be able to seize the documents if they can tell that they relate to law enforcement’s search or some illegal activity.
- **Protocols for public vs. private space**
 - For a space to be considered private under the law and therefore subject to the Fourth Amendment’s protection from unreasonable searches and seizures which generally prohibits the government from entering a person’s home or other areas without a judicial warrant, there must be a “reasonable expectation of privacy.” Both you, subjectively, and society, objectively should have this expectation. You likely have a reasonable expectation of privacy in places like your home, your bathroom, a hotel room, or on your personal computer. You do not have this expectation in areas of your office that can be seen by the public or with respect to the garbage that your organization has left on the curb for sanitation crews.
 - ICE, and other government officials, can enter public areas of your facility without permission, but generally cannot enter private spaces without a judicial warrant, unless a specific exception applies. Exceptions usually involve emergency situations. Note that ICE agents can take pictures in public spaces.
 - An example of a public space is a building lobby. Sometimes it can be difficult to determine whether an area is public or private. You can place signs in locations around your facility to indicate that a space is private, such as a sign that says “Restricted Area: Employees Only.” This is a helpful step, but be cautious because these signs alone may not make an area legally private for 4th Amendment purposes.
- **Monitoring and receiving visitors to the space**
 - Are all visitors required to sign in?
 - Who is permitted to grant entry?
 - What doors are to remain locked?
- **What to do during an encounter with law enforcement**
 - Follow policies or remain silent.
 - If you are asked a specific question like, “Is this person here?” You do not have to tell them where the person is or if they are at work that day. You can answer by saying, “I am not authorized to speak with you” or “I decline to answer questions.” You can also stay silent.
 - Avoid opening your doors to law enforcement unless they have and display a judicial warrant. Have the designated contact person check the credentials and validity of the judicial warrant before taking any action.
 - List a designated/authorized contact person(s) and their duties. These contact people should be familiar with different types of

warrants/subpoenas; be comfortable checking date, location, and scope of warrants; ask for, check, and document agent's credentials; should know the contact information for your company's legal representative; and, be comfortable interacting with law enforcement on organization's behalf. It should be clear whether authorized representatives are working on-site or off-site and have after-hour availability. Include their contact information and your attorney or legal services organization's contact information in your policy. **All employees should know the authorized contact person(s) to contact in case of a law enforcement encounter.**

Policies should also incorporate organization-specific information. For example, if your organization is a school, there may be additional laws that you must follow to protect student and parental rights. Additional guidance for schools in California can be found [here](#). Click [here](#) for sample policies for healthcare-related organizations and [here](#) for resources specific to homeless service providers.

For sample policy templates, please refer to the attachments at the end of this publication. We recommend you work with an attorney to tailor policies to your particular organization. Click [here](#) for additional information and guidance on creating a written policy.

How to Implement Your Policy

After working with an attorney or obtaining legal services to draft a policy, organizations should seek approval of the policy from Board of Directors. Then, conduct staff trainings to explain the policies and how to respond to client concerns. It is important to practice the policies through role playing exercises at these trainings as well.

5. When law enforcement such as ICE is at the door, what should we do?

- Stay calm. Don't run. Contact the authorized person listed in your policy.
- If agents are seen outside, have authorized person speak with them there and confirm their identities to avoid creating fear or confusion.
- Do not release any information about clients, staff, or others unless a judicial warrant or subpoena specifically requires you to do so. If presented with a subpoena, seek legal counsel before responding as you may have rights to object to what the subpoena is requesting or to not respond.
- Do not help agents sort people by immigration status or country of origin.
- Tell agents that they do not have permission to enter non-public spaces without a judicial warrant. Ask them to stay in designated areas.
- Have authorized person inspect the documentation that ICE provides.
- If no judicial warrant, say, "We have a policy of denying access without a valid judicial warrant."
- If valid judicial warrant, have authorized person double check the warrant with another staff member before taking action. Then, make sure the search remains

only in boundaries authorized by the warrant by accompanying them throughout the search and documenting everything that occurs.

- If agents try to take something vital to your business, explain why it is vital and ask for permission to photocopy it before it is taken. If materials are attorney-client privileged or protected by privacy laws, request that those documents not be inspected until you speak with an attorney. Document any information or materials they take. Ask for a copy of the list of items agents seized during search.
- Object to any search outside the scope of the judicial warrant, but do not engage in debate or argument. Present the objection and make note of it.
- Document or record the encounter.

Remember, workers also do not have to hand over IDs or papers to ICE. Any information they give to ICE may be used against them later.

Warrants

Arrest warrants authorize law enforcement to arrest an individual. Even judicially signed arrest warrants do not give government officials rights to search your facility.

If an officer has a **judicial warrant**, ask to see it. The warrant will list where officers are allowed to search and what can be seized. Object if officers go in nonpublic locations or take items not on the warrant or in plain view. Judicial warrants should have a judge's signature and they expire 14 days after they have been issued.

Administrative warrants are not court orders. An ICE warrant will be signed by an immigration officers rather than a judge. These do not give officials the right to enter your facility. These can be used in public to detain the person named in the warrant.

Look for:

1. Who issued the document?
2. Does it authorize a search of the facility? What does it authorize?
3. Has it expired? Have more than 14 days elapsed since it was signed?
4. Is it signed by a judge and not an immigration official?

For more information on identifying warrants and subpoenas, please see [this resource](#).

Key Phrases to Practice

- "I am not authorized to speak with you." Then remain silent.
- "I do not want to answer any of your questions." Then remain silent.
- "Do you have a warrant? Please pass it under the door."
- "I do not consent to your entry."
- "I do not give you permission to search me."
- "Am I being detained?"

- “Am I free to go?”
- And if you are not free to leave, “I do not want to talk to you until I speak to a lawyer.” Then remain silent.

Documenting the Encounter

Announce you are recording a video and stay a safe distance away. Only record agents.

Document:

- Date and time
- Number and names/badge numbers of officers. Take photos of credentials.
- Who did officers say they were (from what agency) and why did they say they were there.
- Did they present a judicial warrant? Did you ask? Take a photo of documentation.
- What happened? Did they take pictures? Make arrests? Have weapons? Mistreat or yell at anyone? Prevent anyone from moving freely?

For more information about and how to document immigration enforcement interactions, please see [this resource](#).

After the Encounter

If anyone was arrested, ask where they are being taken so you can help their family and a lawyer find them.

Provide a space for staff to debrief and discuss the encounter. If as a result of an ICE audit or raid, you determine that an employee does not have proper work authorization, consider offering leave while the worker applies for work authorization. If you need to terminate the employee, pay wages and benefits promptly. You should also consider providing a reference for the worker and offering separation pay.

6. Helpful Resources

[-Public Counsel Know Your Rights Webinar Recording for Nonprofits and Small Businesses](#)

[-Work Authorization FAQ for Employers](#)

[-Guidance for Employers](#)

[-Guidance to Nonprofits Regarding Immigration Enforcement](#)

[-Guidance and Model Policies to Assist California’s Healthcare Facilities in Responding to Immigration Issues](#)

[-Guidance for K-12 Schools](#)

[-Guidance for Homeless Service Providers](#)

[-Guide for Early Childhood Programs](#)

[-Red Cards](#)

- These know your rights cards are helpful for staff and customers. They are free for nonprofits.
- [Trump's Rescission of Protected Areas Policies Undermines Safety for All](#)
- [ICE Detainee Locator](#)
- [CA Lawyer Search](#)

This document provides general guidance only and should not be construed as legal advice. The information in this document may change over time. If your small business or nonprofit needs legal assistance, or if you have further questions about these topics, please contact Public Counsel's Community Development Project at (213) 385-2977, ext. 200 or apply for our services online at: <https://publiccounsel.org/programs/community-development-project/get-help/>. The Community Development Project provides free legal assistance to qualifying low-income entrepreneurs and

qualifying nonprofit organizations that share our mission of serving low-income communities and addressing issues of poverty within Los Angeles County.

ATTACHMENT:
Template Policies for Nonprofits and Small Businesses

TEMPLATE I: GENERAL LAW ENFORCEMENT/ICE ENCOUNTER POLICY

[YOUR ORGANIZATION'S NAME]'S POLICIES ON ENCOUNTERS WITH LAW ENFORCEMENT/IMMIGRATION ENFORCEMENT AGENTS

[Your organization's name] is providing procedures for staff to use in possible interactions with law enforcement/immigration enforcement agents or with clients and housing residents if Immigration and Customs Enforcement (ICE) agents, law enforcement officials, or Customs and Border Patrol (CBP) agents present themselves on [your organization's name] premises, including our offices and housing and other properties.

[Your organization's name] is dedicated to serving people, regardless of income, where they are from, or their individual circumstances. [Your organization's name] strives to create a safe environment for staff, clients, residents, and anybody seeking services from the organization.

This policy and procedure applies to all [your organization's name] sites.

ROLES OF AUTHORIZED REPRESENTATIVES AND STAFF IN AN ENCOUNTER

1. [Your organization's name] will designate staff members as the Authorized Representatives (for the affordable housing buildings – “Owner’s Representatives”) should interaction with law enforcement/ICE agents take place. At least one Authorized Representative will be onsite at [your organization's name]'s main office during business hours to handle any inquiries by immigration agents or law enforcement officials either at the office, or to travel to another [your organization's name] site (e.g., affordable housing building) should such officials appear.
2. The Authorized Representatives(s) at [your organization's name] will handle ALL contacts with law enforcement or immigration agents at [your organization's name] sites. At many of [your organization's name]'s affordable housing buildings, [your organization's name]'s partner organization for that building will assume Authorized Representative (or Owner’s Representative) responsibilities for that building. In this instance, [your organization's name] Authorized Representatives will be in contact with these Partner Authorized Representatives to coordinate training and activities.

See the attached for a list of [your organization's name] Authorized Representatives, and those serving as "Owner's Representatives" at [your organization's name]'s affordable housing buildings.

3. More specifically, the Authorized Representatives(s) will:

- Attend trainings related to law/immigration enforcement and geared towards the Authorized Representatives(s) duties. Through these trainings the Authorized Representatives will be required to learn how to:
 - Validate a properly issued court order, warrant, subpoena, or summons.
 - Differentiate between administrative requests and court ordered requests.
 - Correctly identify the information required on a court ordered request and ensure [your organization's name] does not provide more than the required information.
 - Properly interact with immigration agents and law enforcement to deescalate the situation in the hopes of preventing a raid, especially if the agents lack authority from the courts to enter [your organization's name] premises.
 - Help implement policies and procedures and ensure staff are assigned to specific duties during a potential or actual immigration raid, including making sure professionals identified to provide assistance (such as attorneys, the media, etc.) are notified immediately.
 - Provide guidance to other [your organization's name] staff on what to do in relation to interaction with immigration agents and law enforcement.
 - Inform clients and residents in close proximity to the officers, as appropriate, that law enforcement officials are at the site, and remind them that they all have the right to remain silent.
 - Appropriately document all the facts about a raid, including any and all actions taken by ICE agents that may be unlawful, the information contained in the warrant, the names and badge numbers of ICE agents, the names and dates of birth of detained immigrants, and contact information for all witnesses.
- Have available the contact information for at least one immigration attorney or a lawyer, such as a nonprofit legal organization, who can be available via phone if law enforcement or immigration agents comes to a [your organization's name] site.

4. If other [your organization's name] staff, or property management staff at [your organization's name] buildings come across immigration agents or law enforcement, they will immediately contact the Authorized Representatives(s) and politely inform the immigration agent or other law enforcement official that

only designated individuals are authorized to answer their questions, review a warrant or to consent to their entry into [your organization's name] premises.

5. If an immigration agent or law enforcement official contacts [your organization's name] or one of [your organization's name]'s buildings via phone or email, staff will direct them immediately to the Authorized Representatives on duty and will politely inform the immigration or other law enforcement officials that only the designated individuals are authorized to answer their questions.
6. A "Code Yellow" will be used to alert personnel and Authorized Representatives of the presence of law enforcement/immigration agents, and the possibility of an immigration raid. Should someone call a Code Yellow, an Authorized Representative should be immediately alerted and put into contact with the person who issued the Code Yellow alert. All staff, as well as volunteer receptionists, will be notified of what a "Code Yellow" means and what to do.
7. As part of the protocols for Code Yellow, staff will be directed to:
 - Specified staff will calmly inform clients and residents of law enforcement/immigration agents' presence at the building and remind them of KYR information, including their right to remain silent. Staff will also inform clients and residents that they are taking steps to protect their clients and residents and their information.
 - Receptionist, visitor contact and property management staff, as well as Authorized Representatives will attempt to document all the facts about the raid (actions taken) including:
 1. the date, time, description of the encounter
 2. what you said, what the agent said or what questions were asked by the agent
 3. any identification of the agent (name and badge numbers of agents)
 4. number of agents
 5. information regarding the warrant or other legal document
 6. whether they had any weapons
 7. whether agents blocked exits or restricted movements
 8. any property taken/searched, persons questioned, names of persons detained
 9. how the encounter ended, any details of agents using intimidation or force
 10. names of any witnesses

PROTOCOL IF IMMIGRATION OR LAW ENFORCEMENT HAVE ALREADY ENTERED [YOUR ORGANIZATION'S NAME] PREMISES

1. [Your organization's name] staff that encounter immigration agents or law enforcement, will immediately notify the Authorized Representatives on duty of the presence of immigration officials or law enforcement.

- Staff who encounter immigration agents or law enforcement are asked to:
 - Remain calm, and remember that you are NOT REQUIRED to answer any questions from law enforcement or immigration. You have the right to REMAIN SILENT.
 - Politely inform the agent(s) that you will contact the Authorized Representatives that can help answer their questions or requests.
 - Staff should not put themselves in situations where they feel threatened or in harm's way.
2. The Authorized Representatives will come to meet with immigration officials or law enforcement on the premises; they will:
- Direct the agent to a location away from clients and residents (e.g., the lobby or exterior entryway to the building), if possible
 - Ask the agent(s) why they are there and request to see the agent's badge and write down his or her name and badge number. If possible the Authorized Representatives will instruct another member on staff to make a photo copy.
 - If the agent tries to enter into the premises, advise the agent that the premises are private property
 - Clearly let the agent know that you DO NOT CONSENT to a search of private areas without a properly issued court-ordered warrant, or a subpoena or summons issued by a judicial officer, or a grand jury
 - Validate all legal documentation presented (such as a warrant, court order, etc.) BEFORE allowing them to enter the premises. ONLY provide information [your organization's name] is required to provide in accordance to presented legal documents and the law.
 - The Authorized Representatives will document all information that is provided and make a photocopy of all legal documents presented.

TEMPLATE II: POLICY REGARDING LAW ENFORCEMENT/ICE ATTEMPTS TO ENTER PROPERTY

The “PRIVATE PROPERTY NOTICE” (NOTICE) will be posted by Property Management near building entrances, including the primary public entrance.

I. Procedures if law enforcement/ICE agents appear at [Your Organization’s Name] Offices

- A. If a visitor requests entry, as you would normally, ask the visitor who they are before allowing entry. If they identify themselves as an agent or officer with ICE or law enforcement, you should politely say that you are not authorized to consent to any requests, and that you will call an Authorized Representative to the front.
- 1. Immediately contact the Authorized Organizational Representative as listed below. Call these Authorized Representatives and say this is a “Code Yellow” situation, unless there is another reception person who can watch the front desk and entry door, in which case you can go and find the Organizational Representatives:**

First:	Name (xxx-xxx-xxxx); if unavailable,
Second:	Name (xxx-xxx-xxxx); if unavailable,
Third:	Name (xxx-xxx-xxxx); if unavailable,
Fourth:	Name (xxx-xxx-xxxx)
 2. You can then inform the agent or officer that an Authorized Representative will be coming to the front to respond to their request, ask them to wait.
 3. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
 4. You legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. You should say that you are not trained and not authorized to determine the validity of warrants, again saying only the Authorized Representative can make that determination and allow entry.
 5. **Do not consent to any requests from the agent(s)**, and reiterate that you do not have the authority to provide consent or respond to any questions.
 6. If you can, take a phone video recording of the event, and announce that you are recording the event.

- B. If a visitor has entered the premises through some other means, as you would normally, you should ask, “Can I help you?”, and ask who the visitor is. If they identify themselves as an agent or officer with ICE or law enforcement, you should politely ask them to leave, as this is private property.
1. You do not have to put yourself in a situation where you feel threatened or in harm’s way; you should not try to force them to leave or get in their way. Simply reiterate that you do not have the authority to allow them access to the premises and do not consent to any action or request.
 2. **Immediately contact the Authorized Representative as listed above. Call or talk to these Authorized Representatives and say this is a “Code Yellow” situation.**
 3. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
 4. If you can, take a phone video recording of the incident, and announce that you are recording the event.
- C. Immediately after you have contacted the Authorized Representative, document what happened (if possible, video the incident) including:
1. the date, time, description of the encounter
 2. what you said, what the agent said or what questions were asked by the agent
 3. any identification of the agent (name and badge numbers of agents)
 4. number of agents
 5. information regarding the warrant or other legal document
 6. whether they had any weapons
 7. whether agents blocked exits or restricted movements
 8. any property taken/searched, persons questioned, names of persons detained
 9. how the encounter ended, any details of agents using intimidation or force
 10. names of any witnesses

II. Procedures if someone calls saying this is a “CODE YELLOW” situation

- A. If someone calls (probably a property management employees at one of [your organization’s name]’s housing buildings), and says they have a “CODE YELLOW” situation: find out where they are calling from (which building), and explain that you will immediately contact an Authorized Representative, and that you will put them on hold and get back on the line when you have reached them.
1. **Immediately contact the Authorized Representative as listed below. Say this is a “Code Yellow” situation, and let them know where the caller is calling from (one of [your organization’s name]’s buildings):**

First: **Name (xxx-xxx-xxxx); if unavailable,**
 Second: **Name (xxx-xxx-xxxx); if unavailable,**

Third: **Name (xxx-xxx-xxxx); if unavailable,**
Fourth: **Name (xxx-xxx-xxxx)**

- B. Find out which Authorized Representative(s) will be going out to the site, and how soon they will be leaving. Let the Representative know you will get back on the phone with the caller and get more information from the caller.
- C. Get back on the phone with the caller – let them know which Authorized Representative(s) will be coming to their site. Ask him/her to remain calm, and get as much information as possible about the situation (if they are able – they may not feel comfortable saying much if law enforcement/ICE agents are in their immediate presence), including:
 - 1. Did they identify themselves as ICE agents or other law enforcement officials?
 - 2. What time did they arrive
 - 3. How many are there
 - 4. Description of the situation – are they being intimidating, or civil?
 - 5. What did they say
 - 6. What are they currently doing

Relay this information to the Authorized Representative

- D. If you can, stay on the phone with the caller. (This can provide the caller with an excuse to not have to deal with the agents at the scene, and provide time for the Authorized Representatives to arrive). Remind the caller:
 - 1. He/she can tell the agents or officials that an Authorized Representative is on their way to address their requests.
 - 2. He/she does not have to put himself in a situation where they feel threatened or in harm's way; they can simply reiterate that they do not have the authority to allow them access to the premises and do not consent to any action or request.
 - 3. They legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. They should say that they are not trained and not authorized to determine the validity of warrants, saying only the Authorized Representative can make that determination and allow entry.
 - 4. They are legally not required to answer any questions. They have the legal right to remain silent, and they should feel comfortable exercising that right.
 - 5. Ask them to document what is happening if possible, including video recording.

III. Procedures if someone calls saying they are an ICE agent or other law enforcement official

- A. As you would normally, ask the caller who they are calling for and who they are. If they identify themselves as an agent or officer with ICE or law enforcement, you

should politely say that you will put them on hold and have them speak to an Authorized Representative of the organization.

1. **Immediately contact the Authorized Organizational Representative as listed below (do not immediately transfer the call to them). Call or talk to these Authorized Representatives and say this is a “Code Yellow” situation, before transferring the call to their direct line:**

First: Name (xxx-xxx-xxxx); if unavailable,
Second: Name (xxx-xxx-xxxx); if unavailable,
Third: Name (xxx-xxx-xxxx); if unavailable,
Fourth: Name (xxx-xxx-xxxx)

2. You can then inform the agent or officer that you are transferring their call to an Authorized Representative who can speak to them. Transfer the call.

TEMPLATE III: POLICY REGARDING LAW ENFORCEMENT/ICE ATTEMPTS TO ENTER HOUSING PROPERTY

New policies and procedures if ICE agents or any law enforcement attempt entry to private property: (**[Your Organization's Name]** Responsible for Response)

Post the "PRIVATE PROPERTY NOTICE" (NOTICE) near building entrances, including the primary public entrance.

- A. If a visitor requests entry, as you would normally, you (any staff at property) should ask the visitor who they are before allowing entry. If they identify themselves as an agent or officer with ICE or law enforcement, you should point to the PRIVATE PROPERTY NOTICE, which directs them to present a valid judicial warrant to the contact (Owner's Representative) at the corporate office/Owner.
 1. If you want, you can politely explain that these are the instructions given to you (as Property Management staff regardless of position) by the Owner of the Property, which you are required to follow, and that you will contact an Owner's Representative to come to talk to the agents.
 2. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
 3. You legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. You should say that you are not trained and not authorized to determine the validity of warrants, again referring them to the NOTICE.
 4. **Do not consent to any requests from the agent(s)**, and reiterate that you do not have the authority to provide consent or respond to any questions.
 5. **Immediately** (whether they leave or persist to request entry) **contact the Owner representative at the number provided below and say that your call is a "CODE YELLOW" (staff at [your organization's name] will be trained on what this means).**
 - i. An Owner's Representative from [your organization's name] will be dispatched to the site; you can inform the agents of this fact and ask them to wait.
 6. If you can, take a phone video recording of the event, and announce that you are recording the event.
- B. If a visitor has entered the premises through some other means, as you would normally, you should ask who the visitor is. If they identify themselves as an

agent or officer with ICE or law enforcement, you should politely ask them to leave as this is private property, and again you can refer them to the NOTICE.

1. You do not have to put yourself in a situation where you feel threatened or in harm's way. Simply reiterate that you do not have the authority to allow them access to the premises and do not consent to any action or request.
 2. You legally do not have to allow entrance if there is no valid judicial warrant or other legal requirement. You should say that you are not trained and not authorized to determine the validity of warrants, again referring them to the NOTICE.
 3. You are legally not required to answer any questions. You have the legal right to remain silent, and you should feel comfortable exercising that right.
 4. **Immediately** (whether they leave or persist to request entry) **contact the Owner representative at the number provided below and say that your call is a "CODE YELLOW" (staff at [your organization's name] will be trained on what this means).**
 - i. An Owner's Representative from [your organization's name] will be dispatched to the site.
 5. If you can, take a phone video recording of the incident, and announce that you are recording the event.
- C. If a law enforcement/ICE agent says they are unwilling to wait for an Owner representative, or insists on entry based on a warrant in their possession, and you feel uncomfortable continuing your interaction with the agent(s) – you can walk away, and not put yourself in a situation where you feel threatened or unsafe.
1. If you feel uncomfortable walking away, you may -- without opening the gate or providing consent for entry, ask to see the warrant.
 - i. Note that if the warrant is an administrative warrant, and is not signed by a judge, you do not have to allow entry.
 - ii. You should continue to say that you do not have the authority to allow them access and you are not authorized to provide consent
 - iii. If you see the warrant, you should take a picture of it (using your phone). (Note that if you touch the warrant, even if it is a valid judicial warrant, this does not constitute "service" – you can still assert that you are not authorized to provide consent).
 2. **You do not have to consent to any requests from the agent(s),** and reiterate that you do not have the authority to provide consent or respond to any questions.
 - i. You cannot be charged with a crime for saying you are not authorized to provide consent, and for not opening or unlocking the door or gate, and you have the right to remain silent and not respond to their questions.
 3. If they attempt to force their way in, or follow a resident in, do not attempt to get in their way or physically stop or confront them
 4. If you can, take a phone video recording of the incident, and announce that you are recording the event.

D. Immediately after you have contacted the Owner Representative, document what happened including: the date, time, description of the encounter (what you said, what the agent said or what questions were asked by the agent), any identification of the agent (name and badge numbers of agents), number of agents, information regarding the warrant or other legal document, whether they had any weapons, whether agents blocked exits or restricted movements, any property taken/searched, persons questioned, names of persons detained, how the encounter ended, any details of agents using intimidation or force, provide names of any witnesses.

OWNER REPRESENTATIVE TO CONTACT (saying this is a “CODE YELLOW”):

First: **Name (xxx-xxx-xxxx); if unavailable,**
Second: **Name (xxx-xxx-xxxx); if unavailable,**
Third: **Name (xxx-xxx-xxxx); if unavailable,**
Fourth: **Name (xxx-xxx-xxxx)**

TEMPLATE IV: ROLES OF AUTHORIZED REPRESENTATIVES IN AN ENCOUNTER WITH ICE AGENTS OR LAW ENFORCEMENT

[Your organization's name] will designate staff members as the Authorized Representatives (for the affordable housing buildings – “Owner’s Representatives”) should interaction with law enforcement/ICE agents take place. These designated Representatives will handle ALL inquiries by immigration agents or law enforcement officials either at the office, or will travel to another [your organization's name] site (e.g., affordable housing building) should such officials appear.

At many of [your organization's name]'s affordable housing buildings, [your organization's name]'s partner organization for that building will assume Authorized Representative (or Owner’s Representative) responsibilities for that building. Authorized Reps should keep the list of Owner’s Representatives handy to refer to it should a call come in from a housing site

IF YOU RECEIVE A “CODE YELLOW” CALL

1. If you receive a CODE YELLOW call, either on your direct line, or the receptionist received one and transfers it to you, be prepared to drop what you are doing and respond immediately
2. Find out what building they are calling from
 - a. Double check the Owner’s Representative list to see if our partner organization is supposed to be contacted first as an Owner’s Rep
 - b. If so, find out if the caller has tried to contact the partner Owner’s Reps (or otherwise, call them yourself)
 - c. Let the caller know approximately how soon an Owner’s Rep will arrive, and who it will be
3. If you are designated as an Owner’s Rep for the building, see if other Owner’s Reps are available to go – it is always best for two Reps to go to the site together, if possible.
4. Call an attorney from our referral list to see if they would be available to consult over the phone after you arrive at the site

IF A CODE YELLOW IS CALLED AT THE [YOUR ORGANIZATION'S NAME] RECEPTION

1. If the receptionist informs you that ICE agents or law enforcement is at the front door, the office entry, or already inside the office, try to find another Authorized Rep to accompany you to the reception area or wherever the agent is
 - a. Let the receptionist know that you will come to the front and have them inform the agent or official that you will be there and to please wait

- b. Ask the receptionist to help document what takes place when you interact with the agent or official (written notes or phone video)
 - c. Call an attorney from our referral list to see if they are available to consult over the phone once you interact with the agent or official
- 2. If the receptionist informs you that ICE agents or law enforcement has called the [your organization's name] main line, have the call transferred to you and speak to the agent or official
 - a. Take notes to fully document the phone call

INTERACTION WITH ICE AGENTS OR LAW ENFORCEMENT AT THE OFFICE OR BUILDING ENTRY

1. If the agent(s) are outside of the front door, speak to them through the door – DO NOT OPEN THE DOOR.
2. If they are in the lobby at the office entry area -- ask the agent or official to speak with you away from the entry, not inside the office
3. Ask the agent(s) why they are there and request to see the agent's badge and write down his or her name and badge number. If possible the Authorized Representatives will instruct another member on staff to make a photo copy.
4. If the agent tries to enter into the premises, advise the agent that the premises are private property and that you do not consent to their entry
5. Note that if the visitor is a law enforcement official that you have a relationship with, use your judgment – depending on the nature of the relationship – how to handle your interaction, but
 - a. You should still decline a request to enter the premises without a valid judicial warrant
 - b. You should still limit what you say and information you provide as much as possible
6. If they say they have a warrant allowing them access, ask them to produce the document
 - a. If you need to open the door (e.g., the front door) in order to get the document, say “I am opening this door only to receive your document – I am NOT consenting to you entering”
 - b. Review the document to determine if it is a valid judicial warrant, or other document
 - c. If you are not certain if it is a valid judicial warrant, tell the agent(s) that you are not certain this is valid, you therefore cannot consent to their entry, but that you will try to contact our attorney to consult with them – and ask them to wait
7. Depending on happens, you may need to:
 - o Attempt to interact with immigration agents and law enforcement to deescalate the situation, especially if the agents lack authority from the courts to enter [your organization's name]'s premises.
 - o If the agents lack authority from the courts to enter the premises, you should politely say that you decline any request for entry or search, and

DO NOT CONSENT to a search of private areas without a properly issued court-ordered warrant, or a subpoena or summons issued by a judicial officer, or a grand jury

- You are legally not required to answer any questions, or consent to any requests that are not authorized by the courts
- If the agents have a valid judicial warrant, carefully review what is authorized under the warrant, and take steps to limit the activities and/or searches by the agents or official solely to what is specified in the warrant
- Appropriately document all the facts about the encounter, including any and all actions taken by ICE agents or law enforcement, including:
 - the date, time, description of the encounter
 - what you said, what the agent said or what questions were asked by the agent
 - any identification of the agent (name and badge numbers of agents)
 - number of agents
 - information regarding the warrant or other legal document
 - whether they had any weapons
 - whether agents blocked exits or restricted movements
 - any property taken/searched, persons questioned, names of persons detained
 - how the encounter ended, any details of agents using intimidation or force
 - names of any witnesses

INTERACTION WITH ICE AGENTS OR LAW ENFORCEMENT WHO ARE ALREADY ON THE PREMISES

1. Ask the agent(s) why they are there and request to see the agent's badge and write down his or her name and badge number. If possible, the Authorized Representatives will instruct another member on staff to make a photo copy.
2. Advise the agent that this is private property and that you request that they speak to you outside of the premises (i.e., to leave the office or the building premises)
3. If the agents lack authority from the courts to enter the premises, you should politely ask them to leave the premises, and that you DO NOT CONSENT to a search of private areas without a properly issued court-ordered warrant, or a subpoena or summons issued by a judicial officer, or a grand jury
4. You do not have to put yourself in a situation where you feel threatened or in harm's way; you should not try to force them to leave or get in their way. Simply reiterate that you request they leave the premises.
5. Possible responses are the same as described in Section 5 above.

TEMPLATE V: DOCUMENTING ICE ENCOUNTERS

If possible, document everything you can from any incident or encounter with ICE agents or officials. If you feel comfortable, you can video record the incident on your phone. If you do so, ANNOUNCE THAT YOU ARE RECORDING. Otherwise, you can take notes, and later write up full notes. This information can be used in the future, possibly in court, to document any illegal actions taken by ICE agents, which can be used to stop or reverse any course of action ICE may be taking against residents, clients or [your organization's name]'s properties.

Document what happened in the encounter including:

1. the date, time, description of the encounter
2. what you said, what the agent said or what questions were asked by the agent
3. any identification of the agent (name and badge numbers of agents)
4. number of agents
5. information regarding the warrant or other legal document
6. whether they had any weapons
7. whether agents blocked exits or restricted movements
8. any property taken/searched, persons questioned
9. the names of persons detained
10. how the encounter ended, any details of agents using intimidation or force
11. names of any witnesses

TEMPLATE VI: PRIVATE PROPERTY NOTICE

This is **private property**.

The building owner and the property manager are not authorized to allow anyone to access or enter the property, including for purposes of a search, seizure or arrest, without a legally valid and executed judicial warrant. Additionally, the property manager at this property is not authorized to determine the validity of such documents. Accordingly, you should direct any and all warrants and/or legal documents of any kind to the corporate office for the owner of this property at the following address:

[List name and address of
person/organization who will be
the Owner's Representative]