

## Immigration Enforcement Preparedness

The National Association of Landscape Professionals is committed to helping landscape industry companies navigate government laws and regulations in an ever-changing environment. We are providing the following information to help your staff prepare for interactions with U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE). **This is not legal advice but rather information to consider when preparing for possible interactions with federal officials.**

---

### Increased Enforcement

Employers should be prepared for CBP and/or ICE to show up unannounced to interview both employers and employees. Here are key points to keep in mind:

- ICE has the authority to show up at most worksites unannounced, with or without a warrant.
  - If ICE presents a warrant, ensure it is a **judicial warrant signed by a federal or state judge** (not one signed by the Department of Homeland Security). If it is not a judicial warrant, you are within your rights to ask the agent to return with a proper warrant before granting entry.
  - You have the right to limit ICE's entry to **public spaces only** (unless a warrant specifies access to additional areas). Clearly mark non-public areas with "Employees Only" signage.
- 

### Company Preparedness for ICE Interactions

- **Designate a point person** to interact with ICE. Ensure all employees know who that person is and how to reach them immediately.
  - If ICE enters the workplace, direct them only to **public areas** unless their warrant specifies access elsewhere. **Read the full warrant carefully** and only grant access as detailed.
- 

### Preparing Workers for ICE Interactions

- Workers **are not required** to present documentation to ICE. However, if they choose to provide documentation, it should be accurate and current.
- Employees on an H-2B visa or others concerned about ICE interactions should have proof of lawful status (e.g., a copy of their passport or a digital photo stored on their phone).

- Employees **have the Right to Remain Silent** – they are not required to answer ICE agents' questions. Regardless of immigration status, everyone has the right to speak with an attorney.
  - If approached by ICE, **avoid running**, as this may be used as probable cause for further action.
- 

### During an ICE Raid

- If possible, a designated company representative should **follow each ICE agent** and **record the interaction** via video or detailed notes to document any potential violations.
  - Keep a record of all items and documents **seized by ICE**. At the end of the raid, request a list of the seized items.
  - Employees **do not** need to answer questions about their birthplace, entry into the U.S., or immigration status.
  - If ICE asks employees to separate into groups based on their immigration status, they **have the right to remain still** and not comply.
  - Employers and employees are **not required** to provide information about another worker's whereabouts or shift details.
  - If ICE seizes something crucial to business operations, work with the agents—they generally honor reasonable requests.
- 

### After an ICE Raid

Immediately document the following:

- Number of ICE agents present (inside and outside the property).
  - Whether they were **armed or displaying weapons**.
  - Their **appearance** (e.g., uniforms, badges, identification).
  - Any mistreatment of employees or actions that made workers feel **they could not leave**.
- 

### What to Do if an Employee is Arrested

1. **Ask ICE where the employee is being taken.**
2. **Contact the employee's emergency contact** to inform them of the arrest.
3. **Notify internal legal counsel.**
4. **Ensure the employee is paid** any outstanding wages.

---

### ICE Interactions at Home or Outside of Work

- Employees have **the right to remain silent**. Any information shared with ICE **can be used against them**.
- Employees **are not required to open the door** unless ICE presents a **judicial warrant signed by a judge**. The warrant should be reviewed before compliance.
- Remain **polite and calm** while seeking legal counsel.

---

### I-9 Compliance & SSA Mismatch Letters

- A **Form I-9** must be maintained for each employee for **at least three years after hiring or one year after separation**, whichever is later.
- Conduct **internal I-9 audits** to ensure compliance.
- SSA "no-match" letters **do not confirm false information**; follow a structured process to verify employee details.
- **ICE audits and I-9 inspections** have increased in recent years, making compliance critical.

---

### ICE Audits vs. Raids

- An **I-9 audit** is a review of employer compliance with Form I-9. Employers receive a **notice of inspection** and must comply within **three days**.
- An **ICE raid** requires **no prior notice**. ICE may enter **public areas** of a workplace but **cannot** enter private areas **without a judicial warrant**.

---

### Final Preparations

- Review these guidelines with your team and **practice** different scenarios so employees know how to respond.
- **This is not legal advice**. Consult an attorney for specific legal concerns.

By taking proactive steps, your company can better prepare for potential ICE interactions while ensuring the rights of employees are upheld.