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Creating an ICE Rapid Response Plan for the Workplace

Use the following information to create a response plan and train your team so they are prepared for an immigration enforcement raid at your workplace.

Key Components of an Employer's Rapid Response Plan

- **Designate a Raid Response Team:** Include HR, legal (internal and external), and security. Train all managers on immigration law and the company policy on managing interactions with federal and local officials.
- **Establish Communication Protocols:** Define how to report raids, inform employees, and contact legal counsel. You will want a calling tree here and a list of who should be called immediately.
- **Train Employees:** Inform them of their rights (e.g., right to remain silent, ask for a lawyer) and procedures during a raid.
- **Verify Warrants:** Always check the authenticity and scope of any warrant presented by agents. Remind employees not to get in the way of law enforcement.
- **Limit Information Sharing:** Provide only what is legally required.
- **Manage Labor Law Risks:** Understand potential NLRA protections for employee walkouts or protests.
- **Document Everything:** Keep records of seized property and agent actions.
- **Calmness:** The importance of remaining calm and professional is key to managing the situation.

If ICE Arrives for an Audit

1. Review the Notice of Inspection carefully.
2. Contact your legal counsel immediately.
3. Gather the requested documents within the three-day timeframe.
4. Maintain detailed records of all documents provided.
5. Work with counsel to address any identified compliance issues.

Understand Different Types of Warrants

There are three different types of warrants.

1. **Judicial Warrant:** Signed by a judge from a court, this warrant provides legal authority to enter private areas or seize documents. Try to verify the signature and scope.
2. **Administrative Warrant:** Usually has “Department of Homeland Security” at the top and appears on Form I-200 or I-205. This does not grant authority to enter private areas without consent.
3. **Notice of Inspection:** A formal request to review I-9 forms within three business days. This is not a warrant and does not grant immediate access.

If ICE Arrives for a Raid

1. **Stay Calm and Professional:** Maintain a professional demeanor and ensure all staff remains composed. Panic can escalate tensions and complicate the situation.
2. **Review the Warrant:**
 - Request to see the warrant immediately.
 - Verify that it is signed by a judge (not just an administrative warrant).
 - Confirm it lists your company’s correct legal name and address.
 - Document the warrant’s scope and limitations.
 - Send a copy to your legal counsel immediately.
 - Remind employees that if there is pressure to enter or if ICE agents just enter, do not try to stop them.
3. **Monitor the Search:**
 - Assign a designated employee to accompany ICE agents.
 - Document all areas searched and items seized.
 - Ensure agents stay within the warrant’s scope.
 - Take detailed notes of the entire process.
 - Do not obstruct or interfere with the search.
 - Video tape process.
4. **Protect Employee Rights:**
 - Remind employees of their right to remain silent.
 - Inform them of their right to legal counsel.
 - Do not provide false information or assist in employee escape.
 - Maintain a list of employees present during the raid.
5. **Document Everything:**
 - Record what areas were searched.
 - Note what documents or items were seized.
 - Document any conversations or interactions with agents.
 - Photograph or video record the raid if permitted.
 - Keep copies of all documentation provided to ICE.

If You Think the Raid is Improper

If you believe immigration enforcement agents are conducting an improper raid or exceeding their authority, take the following steps:

1. **Immediate Response.** First and foremost, remain professional and non-confrontational. Hostile interactions can escalate the situation and potentially create additional legal issues. Instead, focus on documenting everything that occurs while clearly stating your rights and concerns.
2. **Document Everything.** Create detailed records of the entire incident, including:
 - Time and date of the enforcement action;
 - Names and badge numbers of all agents involved;
 - Whether agents presented proper warrants or documentation;
 - Specific actions taken by agents that appeared improper;
 - Names and contact information of any witnesses;
 - Any property damage or business disruption;
 - Any instances where agents exceeded stated authority; and
 - Any cases of detained U.S. citizens or legal residents.
3. **Use Technology Appropriately.** If your business has security cameras, ensure they are recording. While you have the right to record enforcement actions, do so openly and without interfering with the agents. Make immediate backup copies of any surveillance footage and store them securely.
4. **Contact Your Local Police.** Or reach out to city or county government offices, state legislators, or community advocacy organizations.
5. **Protect Employee Rights:** Ensure all employees understand they have the right to:
 - Remain silent.
 - Refuse to sign documents without legal counsel.
 - Present valid identification documents.
 - Have those documents properly reviewed and respected.
 - Contact legal representation.
 - Not be detained without proper cause.
6. **Contact Legal Counsel Immediately:** Your attorney can help:
 - Challenge improper detentions.
 - File complaints about agent misconduct.
 - Seek remedies for constitutional violations.
 - Protect your business's legal interests.
 - Assist affected employees.
7. **Document Economic Impact:** Keep careful records of any business disruption, including:
 - Lost revenue;
 - Employee absences;
 - Customer impact;
 - Reputation damage;
 - Property damage; and
 - Operational disruption.

These records may be important for any subsequent legal proceedings or insurance claims.

After the Visit

1. Debrief with Legal Counsel:

- Review all documentation from the visit.
- Discuss any potential compliance issues.
- Develop a plan for addressing any identified problems.

2. Review and Update Procedures:

- Assess the effectiveness of your response plan.
- Identify areas for improvement.
- Update training and procedures as needed.

3. Address Employee Concerns:

- Communicate appropriate information to staff.
- Provide resources for affected employees.
- Maintain open lines of communication.
- Respect privacy and legal requirements.

4. Manage External Communications:

- Coordinate with legal counsel on public statements.
- Prepare responses for media inquiries.
- Maintain consistent messaging across all channels.

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