✓ Workplace Readiness Check – Be Prepared

- **Post signs marking PRIVATE areas. Provide locks on doors to private area if possible.**
- **Designate a point person trained to handle agent interactions**
- **Find an immigration attorney ahead of time.**
- **Assess whether and which workplace areas can be secured or monitored.**
- **Train staff on their rights and post a clear protocol for all staff to follow.**
- **Plan how staff will be alerted quickly if agents enter.**

RESOURCES:

- *National Immigration Law Center*
- *4thworkplace.org*
- ***Pathway for Immigrant Workers,* *https://www.myimmigrantpathway.org***
- *MA Attorney General's Office Immigration Guidance: www.mass.gov/orgs/office-of-the-attorney-general*
- ***Latinx In Action**, Hyannis inactionltnx@gmail.com*
- ***Brazilian Resource Center**, Hyannis brazilianresourcecenter.org*
- ***MIRA Coalition**, MIRACoalition.org*
- ***Cape Cod Coalition for Safe Communities.** Capesafecomm@gmail.com*
- ***Falmouth Immigrant Rights Coalition** falmouthimmigrightscoalition@gmail.com*

The **Falmouth Immigrant Rights Coalition (FIRC)** is a grassroots organization that works with immigrants, stakeholders and allies to provide Know Your Rights literature, family preparedness and legal aid information throughout Falmouth and Cape Cod.

falmouthimmigrightscoalition@gmail.com
508-274-1131

Falmouth Immigrant Rights Coalition
FIRC

Business Advisory for ICE Encounters at the Workplace

This document has been prepared to assist local businesses and other public-facing organizations to prepare for encounters with ICE at the workplace. Business-owners, employees, and customers/clients have rights, which are detailed briefly here.

Public VS Private Space:
The retail area of a retail store, business, faith community, Town Hall, Court building, etc., is considered to be public space. **ICE can question and apprehend individuals in the public-facing areas of a store or business under specific legal conditions without a warrant.**

ICE agents cannot enter designated private areas without an official warrant, signed by a judge or magistrate, for a named person, valid for two weeks from the date of signing.

When Can ICE Arrest Without a Warrant in Public Space
ICE agents are permitted to make a warrantless arrest in a public space if they have a "reason to believe" that a person is in the country in violation of immigration law and is also "likely to escape" before a warrant can be obtained. Courts have interpreted this 'reason to believe' standard to be the equivalent of probable cause. *(https://legalclarity.org/can-ice-arrest-you-without-a-warrant/).*

NOTE: This pamphlet is for informational purposes only and does not constitute legal advice.

Workplace 4th Amendment Rights

YOU HAVE THE RIGHT TO

- **Remain silent:** No one is required to answer questions about immigration status, country or origin or who is present.
- **Withhold documents:** Do not show ID, timecards, schedules, or other records unless legally required.
- **Record interactions:** You can record and save footage of any encounter.
- **Alert others:** Staff have the right to notify others that federal agents are present and share rights information out loud.
- **Restrict access:** Agents cannot enter private areas without a valid judicial warrant. Staff may say they're not authorized to allow entry.
- **Refuse a search:** You do not have to consent to a search, even if they present a document. A warrant must meet strict requirements (see next page).
- **Request legal counsel:** You can ask that any warrant be reviewed by legal counsel before granting access.

The following choices could put you in legal jeopardy:

- Physically blocking agents
- Giving false information
- Helping someone flee
- Refusing entry after a valid judicial warrant is presented (must include correct address, signed by a judge, with a clear time frame and scope)

Please consider ***PATHWAY***: a pathway to stability through the PERMANENT labor certification process — helping employers sponsor workers for permanent residency: https://www.myimmigrantpathway.org

If Federal Agent Enters

- Clearly state that they may not access private areas without a judicial warrant. *"You do not have permission to enter."*
- Lock any interior doors separating public and private areas.
- Alert all present that a law enforcement agency is attempting to enter the premises: *"All staff, please stay calm and follow our federal agent protocols."*
- Film the interaction.
- Ask agents to identify themselves: *"What agency are you with" "Please show me your ID?"*
- Ask if they have a warrant. "*Please show me the warrant*."
- If they produce one, review it
  - A judicial warrant must be signed by a judge for a named person, should say "US District Court" at the top, and is valid for two weeks from the date of signing.
  - If a judicial warrant, and you have in-house counsel, say you need to consult with them before agents can enter.
  - If you decide to grant entry, watch the agents and see if they are complying with what's written in the warrant. If the agents are searching areas not listed in the warrant or interviewing people not listed, object to those searches by voicing your objection and noting it.
- If they show you an administrative warrant (I-200), signed by a DHS/ICE agent
  - You do NOT have to say if that employee is working on that day or not
  - You do NOT have to take the agents to the employee named on the warrant (even if they are at work that day).
- Do NOT help agents sort people by their immigration status or their country of origin.
- DO loudly inform all present that they do not have to answer any questions or show identification.
- If anyone is detained, ask the agents where they are being taken.
- Afterwards, record or write down everything you saw to help you remember for when you talk to a lawyer later.