



Preparing for U.S. Immigration and Customs Enforcement (ICE) Interactions.

Support for Berkshire County Businesses and Organizations

February 2025

What is BASIC?

This document was prepared by BASIC (Berkshire Alliance to Support the Immigrant Community) for Berkshire County businesses and organizations to be prepared for a potential visit from the U.S. Immigration and Customs Enforcement (ICE).

BASIC was formed to support the Berkshire immigrant community shortly after the 2016 presidential election by Ilana Steinhauer (Volunteers in Medicine), Neil Hirsch (Rabbi at Hevreh, GB), and John Nelson (Rev. John A. Nelson). BASIC was initiated to bring together agencies that serve immigrants here in Berkshire County. BASIC is currently the only convener that meets across sectors focusing on the needs and gaps in services for the immigrant community. We meet monthly via Zoom and in additional sub-committees on an as-needed basis.

Please note this document is a draft. We prepared it with the best of intentions to provide guidance and support to Berkshire area business owners, managers, and non-profit organizations.

Updates and other current information can be found on our website - www.basicberkshires.org. Please visit the site and look for the section specific to businesses and organizations (due to be published in February 2025.)

Since its inception, the main principle that fuels BASIC is the pursuit of the integral well-being of all immigrants.



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Things To Know About ICE

What is an ICE officer?

ICE agents are not police officers, but their uniforms may say “Police” or “Federal Agent.” They may be in street clothes. They may carry guns. Sometimes local police officers go with ICE agents on ICE raids.

If you aren’t sure, ask for identification. ICE agents may also say things to gain entry without a warrant, such as, “We are investigating a crime. Can you help us identify this person?” and “Is [name] here? We just need them to step into the hallway to talk to them.” Staff may ask whether those seeking entry are police or ICE agents.

No matter the business involved, both police and ICE agents must have a “**judicial search warrant**” to enter non-public areas of your business or organization.

Is an ICE officer entitled to come into my business/organization?

If ICE is in a Public Area:

Anyone – including ICE agents – can enter public areas of your business without permission. When operating in public spaces, however, ICE agents must observe the same rules that any member of the public would. For example, ICE agents operating without a warrant would not have the right to disrupt activities or mission. ICE agents may take photographs in public spaces.

- Public areas include a dining area in a restaurant, a parking lot, a lobby, or a waiting area.
- Being in a public area does NOT give ICE the authority to **stop, question, or arrest just anyone**.
- No one can enter a private area of your business or home without your permission or a judicial warrant.

If ICE tries to enter a Private Area

ICE agents must have a valid **judicial search** or **arrest warrant** to lawfully access non-public areas (areas not open to the public—such as private offices/restricted areas).

- Immigration agents can enter a private area ONLY IF they have a judicial warrant that permits them to enter private areas. It is important to read the warrant carefully to ensure ICE does not exceed permissions.
- To be valid, a **judicial search warrant** must be:
 - a. signed by a judge or magistrate,
 - b. identifies areas for access
 - c. signed on or before the date indicated as being the date by which it must be used, which will be no more than 14 days after it was signed.
- Without a judicial warrant, ICE agents need YOUR permission to enter private areas of your business.
- If ICE agents try to enter a private area, you should say: “This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?”
- If ICE agents tell you they have a judicial warrant, ask for a copy and read it.
 - Sometimes, ICE agents try to use an administrative warrant to enter. But an administrative warrant does NOT allow agents to enter private areas without your permission. Instead of having a valid judicial warrant, ICE agents may have “administrative” warrants signed by an immigration officer, not signed by a judge or magistrate. Administrative warrants do NOT authorize ICE entry to non-public areas. If agents try to enter into non-public areas with an administrative warrant it is lawful to deny entry.
- If ICE agents do have a judicial warrant, staff may ask the agents to wait to enter any nonpublic area until staff contacts legal counsel (if you have legal counsel), but the agents don’t have to wait if the judicial warrant authorizes them to enter nonpublic areas.

How To Prepare For A Visit From ICE

1. Establish a Chain of Command. Choose a company representative to be the contact person to handle questions and the overall ICE visit. The executive director, owner, or human resources representative is a logical choice for this role.

Head Command		
The primary responsibility of the Command is to interact directly with the ICE officers.		
Name	Title	Phone

2. If sufficient lead staff is available, establish an Operational Command. The director of Human Resources, supervisors, or leads would be a logical choice for this position.

Operational Command		
The primary responsibility of the Operational person is to ensure the safety of all clients and staff during the time immigration officers are present and until it is safe for clients to leave the building.		
Name	Title	Phone

3. Designate and label a private area for “authorized personnel only” use only. This space should only be accessible to those invited and escorted in. No other persons may enter these areas.
4. Develop a Communication Plan to notify employees that an ICE Interaction is occurring. This could be through a text string, a CODE alert through a loudspeaker, or another system appropriate for your workspace.
5. **Practice – just like a fire drill. You will be more prepared if you know what to say and do.**

Procedures During An ICE Interaction

1. Stay calm! Remind employees to stay calm, too. Continue normal activities as much as possible. Do not run to the exits. This will make things worse because ICE agents can say that people who are running are likely violating immigration laws.
2. If ICE agents enter a public area, staff remain silent or say, “I choose to remain silent. You must speak with my employer. I’ll go tell my employer you are here.”
 - a) Staff should NOT confirm or deny that any person is or is not an employee/patient/student/client.
 - b) Staff should NOT answer any questions or provide any information.
 - c) Staff should never make a false statement (e.g. if ICE agents ask about an individual who is in the building, staff should not say the person is not there. Staff should instead explain that they can’t respond until they consult with their supervisor or legal counsel.
3. Staff person should immediately contact the Head Command and Operational Command (if you have one)

_____ or _____

Head Command Procedures

<p>A. Initiate the pre-developed Communication Plan to notify all staff that an ICE incident is occurring. If you have legal counsel, call them.</p>
<p>B. Head directly to ICE officers and greet them, “Hello. My name is <u>(NAME)</u>. I am the <u>(TITLE)</u>. How can I help you?” If possible, direct them to a public area to sit down. Do NOT permit to enter any private spaces. If ICE agents attempt to enter a private area, say: “This is a private area. You cannot enter without a judicial warrant. Do you have a judicial warrant?”</p>
<p>C. If the agents, claim to have a judicial warrant, (see example) ask to review it to ensure it is a valid judicial warrant. If you have legal counsel, tell the agents you’d like to consult with your legal counsel. A valid warrant must be:</p> <ul style="list-style-type: none"> • signed by a judge or magistrate, • for the areas identified in the warrant, and • on or before the date indicated as the date by which it must be used, which will be no more than 14 days after it was signed. <ol style="list-style-type: none"> a. If it is a judicial warrant, make a copy of the warrant. If it is not, proceed to step 8. b. Ask the agent if you can bring the employee to them. This will protect other employees from being forced into ICE interactions. It is illegal to hide or conceal any person on the premises. If allowed, proceed immediately to the employee and inform them of the judicial arrest warrant. Allow the employee a few minutes to call their family, emergency contact, and lawyer. Once the calls are complete, calmly escort the employee to ICE officers. Remind remaining employees to stay calm. c. Remind employee to remain silent and request a lawyer immediately. They should not answer questions, or give any explanations, or excuses. They should not say anything, sign anything, or make any decisions without a lawyer.
<p>D. If ICE shows you an administrative warrant (see example at end):</p> <ol style="list-style-type: none"> a) You do NOT have to say if that employee is working on that day. b) You do NOT have to take the ICE agents to any employee named on the warrant (even if he or she is at work at the time). c) You should say, “This is not a judicial warrant. I do not want to answer any questions, please leave your contact information.”
<p><i>Remember to carefully watch the agents. Keep track of what they do. See if they are following what is written on the warrant. For example, the warrant may limit the areas the agents can search. If willing, video or record what the ICE agents do. You may be able to prove the agents violated your rights or your students’ rights.</i></p>

Operational Command Procedures
<p>A. Designate someone to record/write down what is happening. Carefully watch the agents. Keep track of what they do. See if they are following what is written on the warrant. For example, the warrant may limit the areas the agents can search. If willing, video or record what the ICE agents do. You may be able to prove the agents violated your rights or your students’ rights.</p>
<p>B. Ensure that any employee who feels they need protection or is uncomfortable, proceeds calmly to designated private areas. Employees should not run!</p>
<p>C. Walk through the premises to ensure that all employees are alert to the situation.</p>
<p>D. If appropriate, stop clients/customers/employees from arriving/entering. Designate a person to carry out calling employees/patients/students/clients due to arrive, within the hour, and tell them not to come. “Due to an emergency, we must close and will call you to reschedule. Please do not come to work/the office/class.”</p>

What To Remember During An ICE Incident

1. Do NOT help ICE agents sort people by their immigration status or the country they are from.
2. ICE agents may try to stop, question, or even arrest a worker without the proper authority. The best way for workers to protect their rights is to stay silent and ask for an attorney. Workers do not have to hand over any IDs or papers to ICE. All workers have this right. Any information that workers give to ICE can be used against them later.
 - a) Staff members can say, "I choose to remain silent. Am I free to go?" If the agent says "yes," the person can leave. If the agent says "no," the person should ask to consult with an attorney and otherwise remain silent.
3. When immigration agents leave, record or write down everything you saw. This will help you remember the details later.

Procedures Regarding Immigration Agents' Requests For Access To Records/Files:

If any ICE agent should request access to records or documents regarding clients or staff:

1. Staff—preferably a supervisor—should inform agents that their policy is not to release information without a client's consent unless required by judicial order or subpoena specifically requiring the release of the information, or otherwise required by law.
2. If agents claim to have a warrant or subpoena, Head Command should request a copy of the warrant or subpoena, ask for the agent's contact information, and review the subpoena or warrant before providing any documentation.
3. Immediately contact legal counsel, if available.

Procedures During A Workplace Form I-9 Audit

1. When ICE notifies you there will be a Form I-9 audit, contact an immigration lawyer. Also, notify your workers about the audit.
2. The law gives you 3 work days to produce your I-9 Forms. Do not provide your documents early.
3. You have the right to speak to your lawyer before answering questions or signing ICE documents.
4. Allow your employees to have coworkers present when discussing I-9 audits.
5. After reviewing the I-9 forms, ICE may find some employees are not authorized to work. If that happens, ICE will give you 10 days to provide valid work authorization for these employees. If you can't provide the documents by that time, you will be told to end their employment.
6. If this happens, you must notify the affected workers of the audit.
7. Ask ICE for more time. This will give affected workers more time to talk to an immigration lawyer.
8. If your workers belong to a union, you may need to provide copies of the audit documents to the union and work with the union as you respond to the audit.

Information To Collect During And After An ICE Interaction

- Date of enforcement action? Time action began and ended? Describe the enforcement action:
- How many agents?
- What agency conducted the action (i.e., ICE, local police, or state police)?
- Names and/or badge numbers of the agents:

- How did their uniforms identify them?
- Why did they say they were there?
- Did you ask to see a warrant?
- Did the agents present a warrant?
- If not, did you deny them consent to enter? What did you say?
- How did they react if you denied them consent to enter?
- If the agents presented a warrant, was a supervisor alerted? Who?
- Was the warrant an administrative warrant, signed by an immigration official?
- If it was an administrative warrant, did you deny access to nonpublic areas in the absence of a judicial warrant? What did you say?
- How did the agents react if you denied them consent to enter based on an administrative warrant?
- Did the agents present a judicial warrant, signed by a judge?
- If so, please describe the warrant:
 - What was the date of the warrant?
 - What items or persons were the subjects of the search? o What areas were identified to be searched?
 - Which judge signed the warrant?
- Did you allow the agents entry based on a judicial warrant?
- If so, did you or another staff member accompany them on their search? Who?
- Did the agents stay within the areas they were authorized to search by the warrant? If not, what other areas did they enter? Did they look in closed closets, cabinets, or drawers? Did they ask permission first?
- Did they keep anyone from moving around freely? Who?
- Did they arrest anyone? Who?
- Did they seize any items? What?
- Did they take pictures of the documents? If so, whose? How did they get the documents?
- Did they take fingerprints? If so, whose?
- Were there children present? If so, whose? How many?
- Did the agents yell at anyone? Who? Why? Which agents (if known)?
- Did the agents have guns drawn or were they touching their weapons?
- Is there anything else to add about the enforcement action?

Judicial warrant versus ICE warrant

A judicial warrant is **an official court order signed by a judge or magistrate** that authorizes a search of private property, seizure, or arrest **based on probable cause** that a crime is being committed or has been committed.

A judicial warrant will:

- Specify the specific address to be searched
- Specify the time period in which the search must take place
- Particularly describe the place or person, or both, to be searched and things to be seized
- Be issued by a court and signed by a Judge or magistrate



This is a **judicial warrant**. This DOES authorize agents to enter your house or search your car.

AD 92 (Rev. 8/92) Search Warrant

United States District Court

SOUTHERN DISTRICT OF FLORIDA

In the Matter of the Search of
the, address or full description of person or property to be searched
RESIDENCE OF LAZARO GONZALEZ, LOCATED AT
2319 N.W. 2ND STREET, MIAMI, MIAMI-DADE
COUNTY, FLORIDA

SEARCH WARRANT

TO: SA Mary A. Rodriguez, U.S. Insig. & Natl. Sec. and any Authorized Officer of the United States

Affidavit(s) having been made before me by SA Mary A. Rodriguez who has reason to believe that on the person of or on the premises known as (name, describe and locate) THE RESIDENCE OF LAZARO GONZALEZ, LOCATED AT 2319 N.W. 2ND STREET, MIAMI, MIAMI-DADE COUNTY, FLORIDA

in the SOUTHERN District of FLORIDA there is now concealed a certain person or property, to-wit: (name the person or property)
THE PERSON OF ELIJAH GONZALEZ, DATE OF BIRTH DECEMBER 8, 1983, A NATIVE AND CITIZEN OF CUBA.

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 5-1-02 (not to exceed 10 days) the person or place named LAZARO GONZALEZ (the person or property specified, serving this warrant and making the search (first through time ~~5-1-02 to 5-1-02~~) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this SEARCH WARRANT to U.S. Marshal John J. Hume as required by law.

U.S. Marshal John J. Hume

[Signature]
U.S. District Judge

COURT ORDER

NAME & ADDRESS

JUDGE SIGNATURE
"JUDICIAL OFFICER"



Judicial warrant versus **ICE** warrant

ICE agents have been known to use an ICE administrative warrant to bait people into giving them access to their homes, cars and belongings. This document is issued by a federal agency, such as the Department of Homeland Security (DHS) or ICE, claiming its authority to arrest a person suspected of violating immigration laws.

These administrative **documents are not signed by a neutral magistrate or judge but rather by an immigration officer** like an ICE agent or immigration judge.

- **An ICE administrative warrant is NOT a judicial warrant. ICE administrative warrants do not give ICE officials authority to enter a place where there is a reasonable expectation of privacy, without consent.**
- **If this happens—state clearly that you do not consent to them entering but do not physically resist.** If ICE officials have already entered, then ask them to leave and state that you do not consent to a search.



Sample Arrest Warrant

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

_____ District of _____

United States of America

v.

)

)

Case No.

)

)

)

)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Date: _____
_____ *Issuing officer's signature*

City and state: _____
_____ *Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____
_____ *Arresting officer's signature*

_____ *Printed name and title*

Sample Search and Seizure Warrant

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
District of New Jersey

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. 17-1234
123 Broad Street, Newark, NJ, Apt. 4)
)
)

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 _____ New Jersey
(Identify the person or describe the property to be searched and give its location):
123 Broad Street, Newark, NJ: Apt. 4 and all common hallways and lobby of building

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):
John Doe, A-123-456-789, a deportable alien with convictions for crimes involving moral turpitude;
Goods stolen from XYZ Retail at 123 Commercial Street, Newark, NJ, on April 1, 2017, in a robbery allegedly involving John Doe.

YOU ARE COMMANDED to execute this warrant on or before April 24, 2017 (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good 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 Jane Smith, U.S.M.J.
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), 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: 04/10/2017 10:00 am _____
City and state: Newark, NJ _____

Jane Smith, United States Magistrate Judge
Printed name and title

This judicial search and seizure warrant is legally sufficient to allow agents into homes and other non-public places.

Sample Administrative Warrant

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

This ICE Warrant is NOT legally sufficient to allow immigration agents into homes or the non-public areas of facilities, buildings, organizations, businesses, or other premises.

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

Page 1 of 2

Know Your Rights Cards (Red Cards)

You have constitutional rights:

- **DO NOT OPEN THE DOOR** if an immigration agent is knocking on the door.
- **DO NOT ANSWER ANY QUESTIONS** from an immigration agent if they try to talk to you. You have the right to remain silent.
- **DO NOT SIGN ANYTHING** without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- **GIVE THIS CARD TO THE AGENT.** If you are inside of your home, show the card through the window or slide it under the door.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

Usted tiene derechos constitucionales:

- **NO ABRA LA PUERTA** si un agente de inmigración está tocando la puerta.
- **NO CONTESTE NINGUNA PREGUNTA** de un agente de inmigración si el trata de hablar con usted. Usted tiene el derecho de mantenerse callado.
- **NO FIRME NADA** sin antes hablar con un abogado. Usted tiene el derecho de hablar con un abogado.
- Si usted está afuera de su casa, pregunte al agente si es libre para irse y si dice que sí, váyase con tranquilidad.
- **ENTREGUE ESTA TARJETA AL AGENTE.** Si usted está dentro de su casa, muestre la tarjeta por la ventana o pásela debajo de la puerta.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

Resources

Berkshire Alliance to Support the Immigrant Community
hello@basicberkshires.org
www.basicberkshires.org

Berkshire Immigrant Center
141 North Street, Pittsfield, MA
413.445.4881
www.berkshireic.org

MIRA: Massachusetts Immigration & Refugee Advocacy Coalition
<https://miracoalition.org/>

MIRA's: Know Your Rights one-pager
https://drive.google.com/file/d/1zYNo_t7IaNRuWiuZLaiLNMsKjif0P9hw/view

Immigrant Legal Resource Center (Red Card available in many languages!)
(*Order a set of 250 for free!)
<https://www.ilrc.org/red-cards-tarjetas-rojas>

American Civil Liberties Union (ACLU)
<https://www.aclum.org/en/know-your-rights>
<https://www.aclum.org/en/know-your-rights/know-your-rights-if-you-are-questioned-about-your-immigration-status>

We Have Rights
<https://www.wehaverights.us/>

Acknowledgments

We acknowledge the National Immigration Law Center's [What to Do if Immigration Comes to Your Workplace](#) and the Lawyer's Alliance for New York's [Guidance to Nonprofits Regarding Immigration Enforcement](#) as a vital resource in the development of this procedure. The slides on judicial warrants are from the [Washington Immigrant Solidarity Network](#) (wasin-org.) We appreciate their contribution to ensuring that our process aligns with best practices and supports the needs of the immigrant community.

This packet has only general information. It is not legal advice. If you have questions about your situation, speak with an immigration lawyer.