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## COUNTY OF SAN DIEGO

### OFFICE OF LABOR STANDARDS & ENFORCEMENT

Employer Training: What to Do When ICE Comes to Your Business  
Rights, Actions, and Resources



[www.sandiegocounty.gov/OLSE/](http://www.sandiegocounty.gov/OLSE/)



# Welcome

**Terra Lawson Remer**  
**Chair, San Diego County Board of Supervisors**





**Jennifer Shaw**  
**Founder, Shaw Law Group**

**Jennifer Shaw is the founder of Shaw Law Group.**

**A well-respected expert in employment law for over 30 years, employers rely on Jennifer to provide practical advice and counsel on a broad range of employment law issues, including wage-hour compliance, reasonable accommodation/leaves of absence, and hiring/separation. Named by Northern California**

**Super Lawyers magazine as one of the top attorneys in California every year since 2009 and the recipient of numerous other awards, including the 2019 Sacramento Business Journal's "Women Who Mean Business," Jennifer is a frequent speaker on employment law topics, and a regular guest on local television and radio. After receiving a Bachelor of Arts degree in economics with honors from the University of California, Santa Cruz, Jennifer graduated magna cum laude from the University of San Francisco School of Law, where she was the editor-in-chief of the law review.**



**The information shared today is intended for general educational purposes only and should not be considered legal advice.**

**We encourage you to consult with legal counsel that can advise you on employment and immigration issues before making any changes to your practices**





# Agenda



01 **CONTEXT**

02 **BEFORE**

03 **TYPES OF ICE ENFORCEMENT ACTION**

04 **LEGAL RIGHTS & PROHIBITIONS**

05 **DURING**

06 **AFTER**

07 **MATERIALS**



# Who We Are

## Introduction



## In May 2021, the Board of Supervisors formed the Office of Labor Standards & Enforcement (OLSE)

OLSE is a resource available to workers and business owners alike to get clarity and information about laws and regulations related to doing business in San Diego County and will take steps to ensure that employers are following the law and treating workers fairly.

- **EDUCATION & OUTREACH**
- **ENFORCEMENT**
- **POLICY**



# How Did We Get Here?



01

**Spring and Early Summer 2025** - ICE enforcement at businesses increases in a very visible way

02

**July 2025** - Board of Supervisors pass Resolution to train employers on ICE enforcement actions

03

**August 2025** - OLSE conducts stakeholder outreach and feedback collection

04

**August and September 2025** - OLSE Completes research and compiles training resources and materials



# BEFORE

## What can employers do ahead of time to prepare for ICE enforcement actions?

- **Know Your Rights and Responsibilities**
  - Conduct a self-audit of employee file policies and procedures for privacy and security
  - Familiarize yourself with relevant laws
  - Educate your team
- **Make a Plan**
  - Designate staff and management roles
  - Designate “private” areas with signage
- **Prepare Resources**
  - Emergency contacts and payments permissions
  - Links to community support options
- **Practice the Plan**
  - Staff training exercises





# Types of ICE Enforcement Actions



## I-9 Audits

Always starts with a  
Notice of Inspection  
(NOI)

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Employers have a 3-day  
window to respond

## Workplace Raids

Can happen without any  
prior notice to the  
employer

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May occur with just one  
officer from just one  
agency, or many officers  
from many agencies



# Legal Rights and Prohibitions

## For Individuals and Employers



### 4th Amendment

Protection against search and seizure

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Includes warrant requirements

### 5th Amendment

Right to not act as a witness against oneself (remain silent)

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Right to “due process” before depriving an individual of life, liberty, or property

### CA Immigrant Worker Protection Act - AB 450

Prohibits “voluntary consent” to enter private areas of business

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Requires notice of I-9 audits to employees within 72 hours of NOI

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Includes penalties of \$2,000 - \$10,000 per violation



# Understanding

## Warrants and Subpoenas



### Subpoenas

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U.S. Department of  
Homeland Security  
Form I-138

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Review and comply as  
appropriate - focused on  
documents and information

### Administrative Warrants

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ICE or DHS Form I-200  
or I-205

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Authorizes limited activities, such  
as speaking with key employees,  
reviewing certain documents, and  
visiting “public” spaces

### Judicial Warrants

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Issued by a Court -  
Labeled “Federal  
Arrest” or “Search and  
Seizure” Warrant

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May authorize physical  
search and seizure



# Subpoena

1. To (Name, Address, City, State, Zip Code) [REDACTED] [REDACTED] [REDACTED]	DEPARTMENT OF HOMELAND SECURITY  IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number [REDACTED]	
2. In Reference To [REDACTED] <div>(Title of Proceeding) (File Number, if Applicable)</div>	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear (B) Date

## Check for validity:

- Addressed to a named individual
- Includes file and subpoena number and date issued
- Lists exact records or testimony requested
- Place, date, and time for production or appearance
- Signed by an ICE officer with subpoena authority

## Understand Your Rights and Limits:

- Not self-enforcing - ICE must go to federal court to compel compliance
- You may request more time if the deadline is unreasonable
- Consider how much you are legally required to share - narrow compliance may help protect your company and your employees





# Administrative Warrant

U.S. DEPARTMENT OF HOMELAND SECURITY      Warrant for Arrest of Alien

File No. \_\_\_\_\_  
Date: \_\_\_\_\_

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in combination with other information, that the subject either lacks immigration status or is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer that provide reliable evidence that affirmatively indicate the subject is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody the above-named alien pursuant to Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_ (Location)

on \_\_\_\_\_ (Name of Alien) on \_\_\_\_\_ (Date of Service), and the contents of the notice were read to him or her in the \_\_\_\_\_ (Language) language.

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

ICE Administrative Arrest Warrant

Not signed by a judge

- Issued by ICE or DHS officers, **not judges**, for immigration enforcement under civil law
- Form I-200 (Warrant for Arrest of Alien) and Form I-205 (Warrant of Removal/Deportation)
- Authorizes arrest in public spaces but does not allow entry into private areas without consent
- Unlike court-issued warrants, these warrants cannot compel searches or forced entry
- These have narrower legal scope than criminal/judicial warrants





# Judicial Warrant

AO 93 (Rev. 12/09) Search and Seizure Warrant

**This is a judicial search warrant. It DOES authorize agents to enter your home.**

UNITED STATES DISTRICT COURT - Issued by a COURT.

For the  
Eastern District

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

540 Oak Avenue  
Davis, California 95616

**Judicial Warrant**

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer 2:11-SW-0161 EFB

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 EASTERN District of CALIFORNIA  
(Identify the person or describe the property to be searched and give its location):  
**SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE**

**Read attachments to make sure they are regarding YOU and YOUR address, not someone else's.**

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be seized):  
**SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE**

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED to execute this warrant on or before** 5-9-2011  
(Date for warrant, not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable 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 United States Magistrate Judge \_\_\_\_\_  
(Name)

☐ 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: 4-25-2011  
9:10:00 AM

City and state: SACRAMENTO CALIFORNIA EDMUND F. BRENNAN, U.S. MAGISTRATE JUDGE  
(Printed name and title)

**Signed by a judge**

Source: National Immigration Law Center <https://twitter.com/NTI> <https://www.industrydocuments.ucsf.edu/docs/11A075501608153801070000>

- **Criminal arrest warrant:** authorizes arrest of a person for alleged federal crimes, such as illegal reentry or harboring/transporting undocumented immigrants; allows arrest anywhere, including entry into a “private” area without consent
- **Criminal search warrant:** authorizes ICE to search specified premises for evidence of immigration-related crimes such as fraudulent documents, trafficking evidence, etc. This warrant must list probable cause, **specific** items to be seized, and **specific** locations





Remember: always  
contact your attorney  
to help guide you

# Warrants and Subpoenas



Which **compel** access to “private” spaces?



## **Subpoena**

U.S. Department of  
Homeland Security  
Form I-138



## **Administrative Warrant**

ICE or DHS Form I-  
200 or I-205



## **Judicial Warrant**

Issued by a Court -  
Labeled “Federal Arrest”  
or “Search and Seizure”

Warrant



# REMINDER

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# DURING

**Stay calm**  
**Follow the plan**

## What can employers do while ICE enforcement actions are happening?

- Ask for identification and make sure you understand the purpose of the visit
- Obtain a copy of the warrant or subpoena
- Document **everything** that happens
- Contact legal and other resources immediately
- Maintain confidentiality
- Comply with AB 450 - Immigrant Worker Protection Act
- You may decide not to speak on behalf of employees



# AFTER

## What can employers do after ICE enforcement actions?

- Contact your lawyer
- Review documentation (warrant or subpoena) and follow up with any document or information demands
- Process immediate paychecks for employees removed from the worksite - pay emergency contacts if authorized
- Contact family members as appropriate
- Prevent discrimination and retaliation against all employees
- Provide resources to all affected parties - food, shelter, legal, mental health, childcare, etc.
- Maintain confidentiality
- Review documentation of the enforcement action and refine action plans if necessary





# MATERIALS for employers



- Detailed action plan and company policy
- Poster with basic rights, action steps, and important resources
- Signage for private areas
- Emergency contact and payment permission sheets
- Broader community resource list with contact information
- Employee file sanitation





# ACTION PLAN

**ACTION PLAN: WHAT TO DO IF ICE COMES KNOCKING:  
BE PREPARED. STAY CALM. PROTECT YOUR BUSINESS.**

## I. INTRODUCTION

An unannounced visit from Immigration and Customs Enforcement (ICE) can throw any workplace into chaos—unless you're ready. Even employers who carefully verify the work authorization of every employee may face investigations triggered by anonymous tips, complaints, or larger enforcement initiatives. Preparation is your best protection.

This action plan outlines the steps your organization should take before, during, and after a worksite enforcement action. Your goal is to stay compliant, minimize disruption, and protect your employees and operations.

At the heart of immigration compliance is a properly completed Form I-9 for every employee hired after November 6, 1986, along with timely processing through E-Verify for new hires. Every organization representative responsible for I-9 or E-Verify procedures must be thoroughly familiar with the government's guidance, including:

- Instructions for Form I-9: Employment Eligibility Verification  
<https://www.uscis.gov/sites/default/files/document/forms/i-9instr.pdf>
- Form M-274: Employer Handbook  
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>
- E-Verify User Manual  
<https://www.e-verify.gov/e-verify-user-manual>

### What to include:

- Point of contact for enforcement agents x2
- Script for initial contact with enforcement agents - include legal references
- Person responsible for documenting enforcement activities x2
- Instructions for documenting enforcement actions
- Lawyer's contact information
- Resources list with contact information
- Examples of warrants and subpoenas with instructions on how to read them
- Instructions on how to comply with I-9 audits
- Floorplan clearly indicating public and private areas
- Staff training plan for implementation



# Wrap-up: Employee Rights and Protections

- Know your Constitutional rights including the right to remain silent (5<sup>th</sup> Amendment)
- No obligation to disclose immigration status, Country of origin, or entry into the United States
- Anti-retaliation protections under California and federal law





# Wrap-up: What Can Employers Do?



- Cooperate, but do not exceed legal obligations
- Do not allow ICE access to private areas without a judicial warrant
- Prepare, prepare, prepare
- Train front-line staff on protocol
- Maintain confidentiality of employee information





# Final Takeaways



- Plan ahead—don't improvise during enforcement
- Know your rights and your limits
- Protect your employees without breaking the law
- Call legal counsel immediately
- Document everything





# QUESTIONS?

COUNTY OF SAN DIEGO  
OFFICE OF LABOR STANDARDS & ENFORCEMENT



# Get Connected With Us

## Contact Information

📞 619-531-5129

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