

# Know your rights in the workplace

In addition to being prepared for possible contact with U.S. Immigration and Customs Enforcement (ICE) at home or on the street, it is important to also prepare for the possibility of ICE coming to your workplace.

## If ICE comes to a workplace

### Can agents enter a workplace without a warrant?

If you work in a place open to the public, like a restaurant or car wash, ICE agents may enter the public space of your workplace as they please.

However, ICE cannot enter the non-public space of your workplace unless they have either the voluntary consent of your employer, or a valid warrant.

If you feel comfortable, remind your employer that they can deny ICE consent to enter the workplace absent a warrant. If ICE enters without a warrant and the employer did not give consent, this could be challenged later in court.

### What should workers do if ICE agents enter a workplace?

- Try to stay calm, do not run, and do not resist arrest.
- Say aloud “I DO NOT CONSENT TO A SEARCH” and encourage others to do the same. If ICE agents try to search property, bags, or the pockets of someone at the work site, this could be challenged later in court.
- Do not voluntarily give ICE any identity document—especially not a foreign passport, as this can be used against a non-citizen in court.
- Document exactly what happened as soon as it is safe to do so
- Do not give any false information to ICE—a person may face criminal or civil charges for use of false documents such as social security cards.

### What if agents want to question workers?

- Just as they would on the street, workers should say: “AM I FREE TO GO?”
- If they say “YES,” walk away slowly. If they say “NO,” Ask: “AM I BEING DETAINED?” If they say “YES,” the worker should say: “I WANT TO REMAIN SILENT AND TO SPEAK TO A LAWYER”
- Workers should not answer any questions about where they were born, immigration status, or immigration or criminal history.
- Workers should not sign anything that ICE presents.

### Do I have to tell an ICE agent my name?

In New York, you cannot be detained or arrested for only refusing to give your name to police. But, law enforcement officials do not always follow the law, and refusing to give your name to ICE agents may make them suspicious and lead to your arrest, so use your judgment.

If you fear that your name may be incriminating, you can claim the right to remain silent. Do not give a false name.

If you are arrested, however, and you refuse to produce ID or tell officers who you are, the police may detain you until you can be positively identified.

***REMEMBER: If you are exercising your legal rights – such as that to a minimum wage, overtime, a workplace free of discrimination, or your right to organize, it is illegal for your employer to retaliate against you by reporting you to ICE or threatening to do so. If this happens, you should consult with an employment attorney.***

### **What if ICE agents press me for information or threaten me?**

- Continue to assert your right to remain silent and speak with a lawyer – even if they do not respect this, it is important to do it because their conduct could be challenged later in court.
- If an agent threatens the use of force, it is important to do what feels safe, even if that means complying. Do not argue with an agent, touch them, or interfere with a search.

### **What should workers do if an employer asks to fill out an I-9 or verify work authorization?**

Employers are legally obligated to verify that their employees are authorized to work in the U.S., and usually must do this within three business days from the date of hire.

However, an employer can ask to re-verify a worker's work authorization under some circumstances, such as when a work authorization card is expiring, or the employer is being audited by the Department of Homeland Security (DHS).

If your employer chooses to re-verify only some employees rather than all of them, this may be in violation of anti-discrimination laws. If you believe you are being discriminated against, you should consult with an employment attorney.

If an employer asks to see a work permit, keep in mind that you can request time to get your documents, but do not provide false documents, such as false identification or social security number as this could be used against you.

### **How do I prepare my workplace?**

- If possible, talk with your coworkers and inform them of their rights –especially their right to remain silent if questioned.
- Make sure everyone knows how to react if ICE shows up at work.
- Plan to stick together – sometimes ICE asks workers to divide into groups of citizens and noncitizens during a raid. Talk to your coworkers about all staying in one group.
- Just as after any raid, it is critical to document exactly what happened in as much detail as possible.

(Information from Make the Road NYC)