

Know Your Rights Training for Business Owners & Employers

***In conjunction with* Seattle Office of Immigrant and Refugee Affairs and
Seattle Office of Economic Development**

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PRESENTED BY

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Changing Immigration Landscape: Employer Guidance

Topics:

- Handling ICE and other immigration encounters
- Handling Form I-9 audits
- Social Security no-match letters
- Best practices for employee strategies



Handling ICE and other immigration encounters

- Key objectives:
 - Be prepared
 - Have a strategy in place
 - Minimize intrusion to your business



Who might you encounter?

Federal Immigration Enforcement Agencies

- Immigration & Customs Enforcement (ICE)
- Department of Homeland Security (DHS)
- Homeland Security Investigations (HSI)
- Enforcement & Removal Operations (ERO)
- U.S. Citizenship & Immigration Services (USCIS)



Who might you encounter?

Other Law Enforcement

- POLICE
- SHERIFF
- FBI
- DEA (Drug Enforcement Agency)
- AFT (Alcohol Tobacco & Firearms)
- U.S. Marshal Service



Who might you encounter?

Other Enforcement Agencies

- Internal Revenue Service, Criminal Investigations (IRS-CI)
- Social Security Administration (SSA)



What happens when law enforcement shows up?

Have your plan in place

Question and observe

- Verify identity
- Ask to see badge, business card, and other documentation to verify identity
- Make a copy of documents



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What paperwork to expect

Administrative Warrant – Don't accept!

- Form I-200, Warrant for Arrest of Alien
- Might be described as “federal” warrant
- Administrative warrant does not obligate any action

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 addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the 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 this 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)

Since a charging document is also prepared and issued by ICE agents, its execution does not show that any neutral party has found probable cause that the person is subject to deportation.

This warrant is directed at federal immigration officers, not local law enforcement. Federal regulations only provide authority to ICE agents to execute an immigration warrant.

None of these checkboxes indicate that there is probable cause of a crime for which a person could be arrested by local law enforcement officers.

No judge or neutral magistrate is involved in the issuance of an ICE warrant. This warrant does not meet the basic constitutional standard for being a warrant, which is review by a judge.

What paperwork to expect

Administrative Warrant – Don't accept!

- Form I-205, Warrant of Removal/Deportation
- Might be described as “federal” warrant
- Administrative warrant does not obligate any action

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

This is a warrant for civil immigration violations, not a crime. It is generally not enforceable by local law enforcement officers.

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 _____ or _____
(Place of entry)

This warrant is directed at federal immigration officers, not local law enforcement. Federal regulations only provide authority to ICE agents to execute an immigration warrant (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 → Many removal orders are issued by ICE or CBP agents without a hearing before a judge. These include expedited removal orders, administrative removal orders, and stipulated removal orders.

☐ 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:

Although the underlying removal order may have been issued by a judge, this warrant for a final order still lacks any finding of probable cause by a neutral magistrate, which is the minimum standard for a constitutionally sufficient warrant.

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 warrant directs ICE or CBP to arrest and deport the person without any further hearing or judicial review.

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

What paperwork to expect

Judicial Warrants: Arrest Warrant

Accept but carefully review:

- Issued by United States District Court
- Signed by U.S. District Court
- Judge or U.S Magistrate Judge
- Only will be addressed to “law enforcement officer”
- Never will be addressed to you or your business
- Arrest warrant will list person
- Must have specific info on alleged violation

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT
for the

United States of America
v.

Defendant

Case No. _____

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:

The warrant must be signed and must list that the signatory is a U.S. District Court Judge or U.S. Magistrate Judge

Date: _____

City and state: _____

Issuing officer's signature

Printed name and title

Return	
This warrant was received on <i>(date)</i> _____, and the person was arrested on <i>(date)</i> _____ at <i>(city and state)</i> _____.	
Date: _____	_____ <i>Arresting officer's signature</i>
	_____ <i>Printed name and title</i>

What paperwork to expect

Judicial Warrants: Search & Seizure Warrant

Accept, but carefully review for validity and scope:

- Issued by United States District Court
- Signed by U.S. District Court
- Judge or U.S. Magistrate Judge
- Only will be addressed to “law enforcement officer”
- Might have an attachment about what to search

AO 93 (Rev. 11/17) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the _____

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

Case No. _____

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 _____
(Identify the person or describe the property to be searched and give its location):

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):

YOU ARE COMMANDED to execute this warrant on or before _____ (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 _____ (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: _____

City and state: _____

Judge's signature _____
Printed name and title _____

This warrant MUST be signed by a judge to be valid. If it is not signed, you are not required to permit a search.

Make sure the warrant has your correct name and address.

To search the premises, officials must have a search warrant. If officials only have an arrest warrant, they do not have authority to search or enter your property.

Officers are typically only allowed to search the person or property described here, nothing more.

The search can only be executed at the time indicated here.

What paperwork to expect

Judicial Warrants: Search Warrant

Take search warrant very seriously

- Review the scope
- Do not consent to access beyond scope
- Contact attorney to plan defense and strategy

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

UNITED STATES DISTRICT COURT
for the
Western District of Washington

ATTEST: WILLIAM M. McCOOL
Clerk, U.S. District Court
Western District of Washington

By: [Signature] Deputy Clerk

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

Case No. MJ17-

Subject Location 1 at 14320 NE 21st St., Suite 14.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an agency for this government requests the search
of the following person or property located in the Western District of Washington
(Identify the person or describe the property to be searched and give its location):

The subject company A as further described in Attachment A-1, which is attached hereto and incorporated herein by this
reference.

I find that the affidavit(s), or my recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal identity (the person or describe the property to be seized):
See Attachment B, which is attached hereto and incorporated herein by this reference.

YOU ARE COMMANDED to execute this warrant on or before October 13, 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 any U.S. Magistrate Judge
(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: Sept 29, 2017
11:05 AM

City and state: SEATTLE, WASHINGTON

[Signature]
Judge's signature

MARY ALICE THEILER, U.S. MAGISTRATE JUDGE
Printed name and title

20160055

Where can ICE go?

Public Areas vs. Private or Restricted Areas

- Public: Open to the general public
- Private/restricted:
 - Accessible only by permission
 - Marked with signage and procedures to designate restricted spaces



Where can ICE go?

Public Areas

- Building lobby
- Reception area – if accessible without restriction
- Parking lot
- Shopping area open to the public
- Waiting rooms
- Unrestricted hallways
- Restrooms?



Where is ICE restricted from going?

Private or Restricted Areas

- Private/restricted: ICE may not enter private areas without
 - Valid judicial warrant or
 - Business/employer consent
- Signage and procedures to designate restricted spaces



Recent examples of ICE worksite encounters

- Mt. Baker Roofing – NW Washington State, March 2, 2025, ICE arrested 37 employees, after an OSHA fine one month earlier
- Abby's Bakery – Texas, February 2025, ICE arrested employees, then filed criminal harboring complaint against owners
- TAConganas, taco truck in Memphis, February 2025, 3 unidentified men took all workers off the truck
- Ocean Seafood, Newark, New Jersey, January 2025, 3 employees detained and one U.S. citizen, a military veteran, who was released



What to do if ICE arrives?

- Contact counsel
- Implement plan
- Limit action to scope of judicial warrant
- Do not interfere with actions on warrant
- Record with video
- Write down details

What to do if ICE arrives?

- Checklist of details to collect
 - Who arrived
 - What agency were they from
 - What were their names
 - How were they dressed
 - Were they armed
 - What did they want
 - What timeframe were they there
 - Did they have any warrant, and if so, what type
 - Did they have other documentation
 - Were they threatening or unprofessional
 - Did they take any documents or items, and if so, did they leave a written inventory
 - Did they take anyone into custody, and if so, who and where did they take them
 - What follow up is planned



Response to Arrest or Search Warrant: Do's & Don'ts



Do's



Don'ts

- **Do**
 - Read the warrant
 - Make sure it is a judicial warrant
 - Make a copy
 - Keep a record of actions
- **Don't**
 - Do not consent to access or a search of the private or restricted areas of the business
 - Do not lie
 - Do not give unnecessary information about any individual
 - Do not interfere with judicial warrant directions

Handling Form I-9 audits: Overview



The image shows the top portion of Form I-9, 'Employment Eligibility Verification'. It includes the Department of Homeland Security logo, the title 'Employment Eligibility Verification', and the USCIS Form I-9 header with OMB No. 1615-0047 and an expiration date of 07/31/2026. Below the header, there is a 'START HERE' instruction and an 'ANTI-DISCRIMINATION NOTICE'. The main section is 'Section 1. Employee Information and Attestation', which contains fields for Last Name, First Name, Middle Initial, Other Last Names, Address, Apt. Number, City or Town, State, ZIP Code, Date of Birth, and U.S. Social Security Number. A red box with the text 'New I-9 Form' is overlaid on the form. Below the red box, there is a statement of awareness and a section for checking the employee's status, with options for U.S. citizen, non-citizen national, lawful permanent resident, and non-citizen authorized to work until a certain date. The form also includes fields for USCIS A-Number, Form I-94 Admission Number, and Foreign Passport Number and Country of Issuance.

Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 07/31/2026

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below and the [instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.

Last Name (Family Name) First Name (Given Name) Middle Initial (if any) Other Last Names Used (if any)

Address (Street Number and Name) Apt. Number (if any) City or Town State ZIP Code

Date of Birth (mm/dd/yyyy) U.S. Social Security Number

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes:

☐ 1. A citizen of the United States

☐ 2. A noncitizen national of the United States

☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)

☐ 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work until (exp. date, if any)

If you check Item Number 4., enter one of these:

USCIS A-Number OR Form I-94 Admission Number OR Foreign Passport Number and Country of Issuance

New I-9 Form

- Audits by Homeland Security Investigations (HSI) not ICE
- Be prepared: Complete I-9 at hire for all employees
- Audit is not a raid: Notice of Inspection (NOI) and Immigration Enforcement Subpoena hand-delivered by an HSI officer or sent via certified mail to headquarters
- 3 business days to deliver I-9s

Handling Form I-9 audits: Avoiding Penalties

Paperwork fine: Maximum \$2,861 per I-9 form

- Do internal audit
- Correct errors on forms
 - Add missing information
 - Initial and date changes
- Be consistent
- Do not over-document or discriminate
 - Do not ask for new documents if these types expired after hire
 - U.S. passport
 - Green card
 - Driver's license
- Check your electronic signature procedure
- Use E-Verify



Social Security No-Match Letter: “Employer Correction Request Notice”

Social Security Administration (SSA) maintains “suspense fund” with uncredited wages:
\$1.2 trillion in U.S. Treasury

Reason: Discrepancy between the information provided by employer and SSA's records, to properly credit funds

Key elements:

- **Notification of Discrepancy:** Informs employer that the Social Security numbers (SSNs) and names submitted for certain employees do not match the SSA's records.
- **Request for Correction:** Requests employer to correct information and resubmit it to the SSA.
- **List of Affected Employees:** The letter includes a list of employees whose SSNs and names do not match the SSA's records. May have guidance on verifying the information with the employee.
- **Direction not to Discriminate or Terminate:** Includes statement emphasizing that the letter should not be used as a basis for taking adverse action against an employee, such as termination or suspension.
- Statement in No-Match Letter:

“You should not use this letter to take any adverse action against an employee, such as laying off, suspending, firing, or discrimination against that individual, just because his or her SSN or name does not match our records. Any of those actions could, in fact, violate State or Federal law and subject you to legal consequences.”

Best Practices for Business and Employees

Immigration assistance and sponsorship for employees:

- Assess case-by-case
- Family-based sponsorship
- Employment-based sponsorship
- Humanitarian, such as political asylum, DACA

Best Practices for Business and Employees

If the ICE or other officer insists on gaining access:

- State your objection to access of property
- Accompany ICE during search or questioning anyone
- Record what occurs
- Remind personnel of the right to remain silent
- If ICE takes anyone into custody, ask where they are going
- If there are threats, ask what they mean by their statements

Thank You



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