



# KNOW YOUR RIGHTS

## A Guide for California Employers

Updated February 2018



1. Introduction to Immigration Enforcement
2. Immigration Enforcement in the Workplace
3. Rights and Best Practices if ICE Comes to the Workplace
4. Additional Resources for Employers and Employees
5. Handout of AB 450, The Immigrant Worker Protection Act

## INTRODUCTION TO IMMIGRATION ENFORCEMENT

### Review of Immigration Enforcement: How do people get caught up by ICE?

Immigration and Customs Enforcement (ICE) targets immigrants for a variety of reasons. Legally, being undocumented is reason enough to be placed in removal (deportation) proceedings. Even people with lawful status can be placed in proceedings. For example, refugees, asylees, lawful permanent residents (“green card” holders) can find themselves in removal proceedings for reasons ranging from a petty theft from years ago, to staying out of the country for too long. Importantly, immigration offenses are civil and not criminal, which means that they do not go through the criminal justice system; for immigration the consequences are often detention and deportation.<sup>1</sup> Having a prior order of removal, which can result simply from not appearing at a court hearing even as a child, can make someone a target. Executive orders and memoranda by the current Administration make clear that most non-citizens are targets for immigration enforcement.<sup>2</sup>

ICE identifies and apprehends individuals in a variety of ways. ICE might identify someone when the individual is applying for an immigration benefit (e.g. green card or citizenship), when an individual is entering the U.S., through home and workplace “raids” discussed below, through contact with the criminal justice system, and other methods. While workplace enforcement is the focus of this guide, the number one way individuals are transferred to ICE is through contact with the criminal justice system. This is because of frequent and voluntary cooperation between local law enforcement and ICE. For example, many jails allow ICE agents to come into jails to access databases and interview people. In this way, after serving their sentence and paying their debt to society, immigrants are doubly punished when they are turned over to ICE for what is often a greater penalty—deportation.

### What happens once people are in removal proceedings?

Once an individual is in ICE custody, many will have the right to see an immigration judge to fight their case. Here, the first step is to secure a trustworthy immigration attorney. While individuals have the right to have an attorney present, the government does not provide an attorney if the individual cannot afford one as is done in the criminal justice system. Instead, individuals should go through either a local nonprofit or a reliable referral to find an attorney.<sup>3</sup>

Once in removal proceedings, an individual may be detained locally or transferred to another state while their case proceeds. Many individuals are eligible for a bond hearing. If granted bond, they can fight their case outside of custody. Depending on whether an individual is detained or not, removal cases can take months or even years. Immigrant families who may be targets of immigration enforcement should have a plan in place for such scenarios.<sup>4</sup>



### Rosa's Story

Rosa is a single mother and domestic violence survivor. She made the mistake of shoplifting for necessities to take care of her kids, when her abuser refused to help support her. She was later put into deportation proceedings.

*“The only thing I want is to return home to my children because I know they need me.”*

## What is a home raid?

A home raid is the ICE practice of sending agents to a person's home to arrest the individual for violating immigration laws. During President Obama's Administration, ICE agents went to homes looking for specific individuals but did not often engage in en mass sweeps. Nonetheless, during these targeted actions ICE often arrested bystanders along with the targeted individual. The current Administration has increased this type of enforcement. Some advocates avoid using the word "raid" because it can spread panic in the community. ICE refers to these practices as "targeted enforcement."

## What is a worksite raid?

A worksite raid is the sudden and hostile entry of ICE agents into a workplace for the purpose of detecting and detaining certain workers.<sup>5</sup> The unexpected and intimidating nature of worksite raids are meant to catch employers and workers off-guard and create chaos. ICE may decide to enter the workplace in a more subtle way as another tactic. Employers should be prepared to assert their rights and create a safe and orderly environment for workers during an ICE raid, keeping in mind new obligations under AB 450. During a raid, armed ICE agents may seal off all exits, demand that all work cease, corral workers into contained areas, interrogate company representatives and workers, search and seize documents and property, and arrest those unable to prove legal status. Based on what they uncover during worksite raids, ICE may fine employers, bring criminal charges, and deport workers.

Employers should be prepared to assert their rights and create a safe and orderly environment during an ICE raid. Remember to familiarize yourself with new obligations under AB 450.

Workplace enforcement has been an increased focus of this Administration. California has responded by enacting AB 450, now law, which places new obligations on both public and private employers in the event of immigration enforcement at the worksite. For more information on AB 450, see the Handout at the Addendum and see also the California Labor Commissioner and California Attorney General guidance on AB 450 available at [http://www.dir.ca.gov/dlse/AB\\_450\\_QA.pdf](http://www.dir.ca.gov/dlse/AB_450_QA.pdf).

## What is the connection between an I-9 audit and a worksite raid?

Prior to worksite raids, immigration (often ICE) agents often investigate and collect evidence that an employer is hiring undocumented workers. Federal law requires employers to verify the identity and eligibility of their employees at the time of hire using I-9 forms.<sup>6</sup> Employers must keep copies of the I-9 forms for inspection. At any time, ICE may issue a "notice of inspection" to employers requesting that they make their I-9 forms available for inspection. ICE agents or auditors then review the documents, a process known as an I-9 audit. During an I-9 audit, ICE reviews these forms for compliance and may find discrepancies or suspected false documents. Depending on the results of an audit, the employer can be asked to correct technical or procedural violations or to pay a fine. In some cases, audits may also lead to criminal prosecutions.

Under AB 450, employers now must provide written notice to employees and if applicable their union representative of any I-9 Inspection, by posting a notice within 72 hours of receiving the notice of inspection. The notice must be in the language the employer normally uses to communicate with the employee and is required to include the name of the agency conducting the inspection, the date the employer received the notice, the nature of the inspection, and a copy of the notice of inspection. A sample notice is available here. Employers must also provide a copy of the I-9 inspection notice to an employee upon their request.

If immigration agents find many discrepancies in an employer's I-9 forms, suggesting an employer has hired unauthorized individuals, they may decide to conduct a worksite raid. In some cases, ICE may also have additional evidence, such as witness statements, to support their decision to conduct a worksite raid. Without consent, ICE must obtain a warrant from a judge to conduct a worksite search for undocumented workers and seize property to use as criminal evidence in the prosecution of these employers. Under AB 450, employers must provide affected employee's and the union representative, the written results of any audit as well as any obligations of the employer and the affected employee, arising from the results of the inspection, within 72 hours of receipt.

## IMMIGRATION ENFORCEMENT IN THE WORKPLACE

Federal law requires employers to verify a worker's identity and their work eligibility through the federal I-9 form. Once a worker has properly filled out this form and presented the necessary supporting documentation, there is no further need to inquire or discuss an employee's immigration status, unless required by federal law. Under AB 450, employers and their agents may not reverify the employment eligibility of a current employee at a time not required by Section 1324a(b) of Title 8 of the United States Code.

State law protects workers from discrimination or retaliation due to race or national origin. Employers may not request additional or different documents than those required by federal law or refuse to accept documents that appear to be genuine when verifying work eligibility.<sup>8</sup> Employers also cannot take adverse actions against a worker who is attempting to update their personal information after a lawful change of name or change in federal work authorization documents.<sup>9</sup> Inducing fear by threatening to report a worker's immigration status or suspected immigration status is considered criminal extortion.<sup>10</sup> Since employers may not discriminate or give preference to workers based on their country of origin, it is important to have clear policies that apply to everyone on the worksite.

The current Administration has increase worksite enforcement and employers should prepare ahead of time for the possibility of worksite targeting. Employers should establish clear guidelines on how to respond to any law enforcement investigations and entry into workplaces. Internal policies and trainings should educate everyone on the worksite of their right to remain silent and their right to speak to an attorney. Everyone on the worksite should provide employers with emergency contacts for use during an unexpected event at the worksite. Similar to other emergency situations, employers should have a plan in place with a clear chain of command and clear instructions on how to proceed during a worksite raid or surprise criminal investigation. Remember to ensure that these policies are AB 450 compliant, as violations may lead to civil monetary penalties.

An employer is responsible for the health and safety of its employees on a worksite. Most employers are required to have a written emergency action plan to ensure safety during a crisis situation. According to the federal Occupational Safety and Health Administration (OSHA), a workplace emergency is "an unforeseen situation that threatens your employees, customers or the public; disrupts or shuts down your operation, or causes physical or environmental damage." Surprise immigration or criminal investigation may cause chaos, and even injury and trauma, and could be considered a workspace emergency. Staff and employees should be trained on their rights during a raid, how to maintain calm and order, and certain employer representatives or supervisors should be tasked with ensuring law enforcement agents do not violate workers' rights, or to document the events if they do, and contact attorneys. The employer should follow post-emergency procedures to determine which employees have been detained and immediately inform their emergency contacts. The following sections describe some best practices on how to prepare..

## RIGHTS AND BEST PRACTICES IF ICE COMES TO THE WORKPLACE

### What are an employer's "rights" if ICE comes to the workplace?

ICE generally comes to a workplace looking for a specific worker or workers, and/or to access employee records or other information. The number one defense here is to keep ICE out of the workplace entirely. A new California law provides clear guidance on what employers should do if immigration agents come to the workplace. Under AB 450, employers and their agents may not consent to an immigration agent entering any nonpublic, unless there is a judicial warrant. An "ICE warrant" is not a judicial warrant. Further, under AB 450, employers and their agents may not provide consent to an immigration agent to access, review or obtain employee records, unless there is a subpoena or judicial warrant, or unless there is an I-9 Notice of Inspection. This new law applies equally to public and private employers. While this is now the law in California, these principles are rooted in the U.S Constitution, which provides that individuals are protected from unreasonable search and seizure. In the workplace, this means that on private property, you can (and now must) deny

In California, immigration law is irrelevant for purposes of enforcing state labor and employment laws; every worker is protected regardless of immigration status.<sup>7</sup>

immigration agents entry unless they have a warrant signed by a judge. Similarly, you can (and now must) decline turning over documents without a valid search warrant or subpoena signed by a judge. I-9 audits are an exception. If ICE does present a warrant, inspect the warrant to ensure that a judge (and not an ICE agent or other officer) has signed it. This is important because ICE has “ICE warrants” titled as such as the top of the form, which are simply signed by ICE agents (not judges) and are not binding. If you are unsure whether ICE is presenting you with an enforceable judicial warrant, immediately send/fax/scan the warrant to your attorney. An example of a legally enforceable warrant versus an unenforceable ICE warrant is provided below. However, it is worthwhile to note that a variety of factors have to be present in order to have a valid judicial warrant. Please see the ACLU and Catholic Charities resources noted in the Addendum for a deeper discussion regarding these requirements and how to identify them.

Under AB 450, employers may not consent to allowing immigration agents into nonpublic areas of a workplace, or allow them access to employee records unless they have a judicial warrant.

### Enforceable Legally Binding Warrant

AD 93 (Rev. 01/09) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of California

In the Matter of the Search of \_\_\_\_\_ )  
(briefly \_\_\_\_\_ shall \_\_\_\_\_ )  
or alias \_\_\_\_\_ v/s/s \_\_\_\_\_ ) Case No.

2943 Reynard Avenue \_\_\_\_\_ )  
San Diego, California \_\_\_\_\_ )

**14MJ0396**

**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 \_\_\_\_\_ Southern \_\_\_\_\_ District of \_\_\_\_\_ California \_\_\_\_\_  
(Identify the person or describe the property to be searched and give its location).  
See Attachment A-2.

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-2.

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 February 14, 2014  
(not to exceed 30 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 Hon. David H. Bartick (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 \_\_\_\_\_ day's (not to exceed 30);  
 Until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: 1/24/2014 5:14 \_\_\_\_\_  
Judge's signature

City and state: San Diego, California \_\_\_\_\_ Hon. David H. Bartick, U.S. Magistrate Judge  
Printed name and title

### Non-binding ICE 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 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)

## What if the workplace has a public waiting area?

The AB 450 requirement to deny immigration officials access to the workplace apply to nonpublic areas. The Fourth Amendment does not carry the same protections in public waiting areas as in private waiting areas. Fourth Amendment protections are based on whether there is a reasonable expectation of privacy in the areas to be searched and individuals do not expect to have the same level of privacy in public spaces. Thus, unlike in a private waiting area, immigration agents may enter a public waiting area without a search warrant.

Nevertheless, this does not give immigration agents free rein to search or detain individuals at will, or even remain on the premises. Any individuals who are questioned in public (including in a public waiting room) have the right to remain silent and should calmly ask if they are free to leave. Business owners can ask ICE agents who do not have a warrant to leave their property. Without a warrant, ICE agents stand in a similar position as a member of the public, and employers may ask them to leave at any time. If the agents are not there to conduct business or carry out a transaction like other customers or members of the public and their presence is interfering with customers or employees, an employer may ask them to leave.

Without a warrant, ICE agents stand in a similar position as a member of the public, and employers may ask them to leave at any time.

## What if ICE is asking for a specific individual?

If ICE asks for a specific individual, do not lie and do not hide the individual. If ICE has a valid arrest warrant, ask the individual to walk outside or to a public waiting area. Employers do not have to allow ICE agents to enter any private areas or other areas where other workers are present. Like a valid search warrant, a valid arrest warrant must contain certain components in order to be legally enforceable, such as the time limitations on when it can be executed, a description of the individual, a judge's signature, etc. Here too, ICE may provide "arrest warrants" which are not enforceable. For example, an agent may show an employer an order of removal (deportation) and claim it is an arrest warrant, when these are actually two different types of orders. Neither an "ICE warrant" nor a removal order give ICE the right to enter or inspect the non-public areas of the workplace.

## Best practices for employers during a worksite raid

Employers should employ the following best practices in the event that ICE comes to the workplace. Some of these recommendations are from National Immigrant Law Center's (NILC) guide, IMMIGRATION ENFORCEMENT: Know Your Patients' and Your Rights.

- ▶ Establish a written protocol that should be followed if immigration officials come to the workplace. Ensure that this policy is AB 450 compliant. The policy should include a protocol if immigration officials come to nonpublic areas of the workplace, any public areas of the workplace, make requests to review or access employee records, and initiate I-9 inspections. Train relevant staff on the protocol.
- ▶ Ensure that your policy reflects the differences in protocol depending on if immigration agents attempt to access public versus private areas of the workplace. Nonpublic areas of the workplace should be clearly marked. Where possible, visually indicate the same using signs. Under AB 450, employers must deny immigration agents access to nonpublic places unless a judicial warrant is presented. Different strategies may be taken with public areas. For example, your waiting room may be open to the public, but you can indicate that individuals must be invited to enter into nonpublic rooms, offices and records areas. Alternatively, the waiting room may be open only to customers and persons accompanying them, while the public must remain in areas outside of the building. Even in public areas of the workplace, immigration officials may be asked to leave as could any member of the public.
- ▶ Train your front desk person, security officers, or other agents who may confront immigration officials, to not provide immigration officials with consent to enter nonpublic spaces. Desk persons, security, and others, should also be trained to obtain the individual in your office designated to interact with immigration officials.

- ▶ Ask for a volunteer to be the designated person to engage with immigration agents. Provide relevant training.
- ✓ The designated individual should know how to get in contact with your attorney and any union representative immediately.
- ✓ If immigration agents ask permission or attempt to enter a nonpublic area, the designated individual should state explicitly that he/she does not consent to entry without a judicial warrant. If the agents state that they have a warrant, the designated person should be ready to review the warrant and/or immediately share the warrant with your attorney to review its validity. Search warrants should be examined to ensure that they are 1) signed by a judge, 2) still valid (served in the permitted time frame), and 3) to understand the scope of the warrant (what area can be searched and what items can be seized). Importantly, “ICE warrants” are not legally binding warrants. If the agents indicate that they are planning to get a warrant, contact a lawyer and try to have that person present for the search.
- ✓ If immigration agents ask to access or review employee records, the designated individual should state explicitly that he/she does not consent without a judicial warrant or subpoena, unless there is an I-9 Notice of Inspection. Employers should have a protocol in place for I-9 employment verification requests.
- ✓ The designated person should role play these scenarios so that they are prepared to react in a stressful situation.
- ▶ Immediately after ICE agents arrive, the employer’s attorney, an immigration attorney, and union representatives should be contacted and asked to come to the worksite. The designated staff person should ask for the name of the supervising ICE or other law enforcement agent, as well as the name of the U.S. attorney assigned to the case (if relevant). The designated staff person should be trained to document any search and seizure of property, either by openly video recording or keeping a list of items taken or people detained. They should ask for a receipt of items seized.
- ▶ Train your employees not to separate themselves based on immigration status since this is a method ICE may use to get workers to disclose their status and target certain individuals.

Employers should not engage in any activities that could support a harboring or obstruction of justice charge such as hiding employees, aiding in their escape from the premises, providing false or misleading information, denying the presence of specific named employees, or shredding documents.

### **Best practices for employees during worksite raids**

Employers should make information available regarding what to do if ICE agents enter the workplace. Because ICE agents can be intimidating and coercive, employees should engage in role play so that they feel more confident in a stressful situation. Employers can share information through “Know Your Rights” trainings at work, posted written materials, videos, and the dissemination of materials that employees can take home, ideally in English, Spanish, and any other languages spoken at your workplace. When sharing this information, do not separate employees by immigration status (U. S. Citizens v. LPR, asylee, etc.) Below are key rights and best practices for immigrants when confronted with ICE officials. Additionally, other resources including Know Your Rights materials geared toward immigrants are available at the end of this document.

- ▶ Everyone in the U.S. has certain rights, regardless of immigration status.
- ▶ You have the right to remain silent.
- ▶ Stay calm, do not run.
- ▶ Do not sign anything without first speaking with an immigration attorney.
- ▶ Do not carry your “matricula consular” or any other document that identifies you as a citizen of another country.
- ▶ Do carry a valid lawful permanent resident card (“green card”), or other proof of other lawful status, if you have it. Do not carry any documents that were obtained fraudulently or that are not yours.
- ▶ AB 60 driver’s licenses are appropriate to carry and are not proof that you are a noncitizen.

- ▶ Do have a plan in place for you and your family in the event that you are apprehended by ICE.
  - ▶ See the ILRC's family preparedness plan, under the resources list below, regarding steps that your family can take to prepare in advance of contact with ICE.
  - ▶ If you are detained by ICE:
    - You have the right to an immigration attorney.
    - You may have the ability to fight your case. To preserve this right, do not sign anything without speaking to an attorney!
- 

1 However, immigrants can be detained in jail during removal proceedings, which blurs the line between civil and criminal cases. One federal criminal immigration-related offense that you may have heard of is “illegal re-entry,” the most prosecuted federal crimes 8 USC § 1326. To violate this law, an individual need only re-enter the U.S. unlawfully with a prior order of removal.

2 Executive Order: Enhancing Public Safety in the Interior of the United States, Executive Order, The White House (Jan. 25, 2017); Implementing the President's Border Security and Immigration Enforcement Improvements Policies, John Kelly, Department of Homeland Security Secretary (Feb. 20 2017).

3 See the Addendum for a guidance on securing a trustworthy attorney.

4 Know Your Rights and What Immigrant Families Should Do Now, and Family Preparedness Plan available at [www.ilrc.org/community-resources](http://www.ilrc.org/community-resources)

5 For more information see The Dynamics of an ICE Raid by Josie Gonzalez, Gonzalez & Harris

6 See ICE's Fact Sheet on 1-9 inspections available at <https://www.ice.gov/factsheets/i9-inspection>

7 Cal. Lab. Code § 1171.5; Cal. Civ. Code § 3339; Cal. Gov. Code § 7285; Cal. Health & Safety Code § 24000.

8 Cal. Lab. Code § 1019.1(a)(1)-(4).

9 Cal. Lab. Code § 1024.6.

10 Cal. Pen. Code § 519.

## ADDENDUM

### ADDITIONAL RESOURCES FOR EMPLOYERS AND EMPLOYEES

#### Resources for Employees:

A. List of free/low-cost legal service providers

1. For California, see Community Resources for Immigrants, at [www.ilrc.org/community-resources](http://www.ilrc.org/community-resources)
2. Nationwide, see [www.immigrationadvocates.org/nonprofit/legaldirectory](http://www.immigrationadvocates.org/nonprofit/legaldirectory)

B. Immigration Legal Resource Center (ILRC) “Red Card” and Cartoon displaying how they are used. The Red Card is a card listing rights when confronted with ICE officials.

1. Available at <https://www.ilrc.org/red-cards>

C. Know Your Rights: What to do if You’re Stopped by Police, Immigration Agents or the FBI, American Civil Liberties Union (ACLU)

1. Available at <https://www.aclu.org/know-your-rights>

D. ILRC post-election materials. This site is updated regularly. In particular, please see:

1. Know Your Rights and What Immigrant Families Should Do Now
2. Family Preparedness Plan
3. Available at [www.ilrc.org/community-resources](http://www.ilrc.org/community-resources)

E. Know Your Rights, Learn How to Protect You and Your Family During Immigration Raids, CASA de Maryland, Inc.

1. Available at <http://wearecasa.org/resources/know-your-rights>

F. Know Your Rights, A Guide to Your Rights When Interacting with Law Enforcement, Catholic Legal Immigration Network, (CLINIC)

G. Workplace Raids: Workers Rights, Legal Aid At Work

1. Available at: <http://www.legalaidatwork.org/fact-sheets>

#### Resources for Employers:

H. Know Your Rights: A guide to Workplace Rights for Immigrants, Catholic Legal Immigration Network, Inc.

1. Available at [www.ready-california.org/resource](http://www.ready-california.org/resource)

I. Health Care Providers and Immigration Enforcement: Know Your Rights, Know Your Patients’ Right, National Immigrant Law Center (NILC)

1. Available at <https://www.nilc.org/get-involved/community-education-resources/know-your-rights/>

J. 5 Ways to Fight Raids With Power Not Panic, California Immigrant Youth Justice Alliance (CIJYA)

1. Available at <http://www.ciyja.org/fighticeraidswithpowernotpanic>

K. What to do if Immigration Comes to Your Workplace, National Employment Law Project, National Immigration Law Center

1. Available at [www.ready-california.org/resource](http://www.ready-california.org/resource)

L. Workplace Raids, Employer Rights and Responsibilities, Legal Aid at Work (Summer 2017)

1. Available at [www.ready-california.org/resource](http://www.ready-california.org/resource)

M. Immigrant Worker Protection Act Places New Obligations on Employers, Office of the CA Attorney General (Feb. 2018)

1. Available at <http://www.oag.ca.gov>

N. Immigrant Worker Protection Act Frequently Asked Questions, Office of the CA Attorney General

1. Available at <http://www.oag.ca.gov>

# KNOW YOUR RIGHTS

## NEW CALIFORNIA LAW

### AB 450 Immigrant Worker Protection Act



As of January 1, 2018, immigrant workers have new workplace protections regardless of whether they work in the public or private sector.



#### ASK FOR A WARRANT

Employers and their representatives are prohibited from allowing immigration agents to enter the private areas of your workplace without a judicial warrant. "ICE warrants" are NOT judicial warrants.

---



#### PROTECT PRIVATE DOCUMENTS

Employers and their representatives are prohibited from allowing immigration agents to access, review, or obtain employee records, without a subpoena or judicial warrant. This does not apply to 1-9 employment verifications.

---



#### NOTIFY THE EMPLOYEES & THE UNION

Employers must provide notice of any I-9 Employment Eligibility Verification Inspection, to employees and their union representative, by posting a notice within 72 hours of the employer receiving notice of the inspection.

---



#### PROVIDE INFORMATION TO EMPLOYEES

Employers must provide a copy of the I-9 Inspection Notice, upon employee request. Other I-9 inspection notice provisions apply.

---



#### CHECKS ON VERIFICATION

Employers and their representatives are prohibited from re-verifying the employment eligibility of a current employee at a time not required by Section 1324a(b) of Title 8 of the United States Code.