

EMPLOYER PREPAREDNESS CHECKLIST

Immigration Enforcement at Your Business



Use this checklist to help your business prepare for a possible immigration enforcement encounter.

✓ BEFORE

Complete the preparation steps now so you and your employees know what to do.

✓ DURING

Follow the checklist if agents arrive at your business.

✓ AFTER

Use the checklist to document what happened and plan next steps.

i KEEP THIS CHECKLIST ACCESSIBLE AND ENSURE MANAGERS AND EMPLOYEES UNDERSTAND THEIR ROLES

BEFORE: PREPARING YOUR PLAN



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| 1 | Create a written company preparedness plan. | Create a written plan that details what to do if immigration agents arrive at your business. In advance, practice the plan with your employees. If you need additional support, seek legal assistance. Integrate the following action items into your written policy. | ☐ |
| 2 | Identify company representative(s). | Designate at least two company representatives to speak with immigration agents if they come to your business. Make sure all employees know the company's representative(s) name and how to contact them. Train the company's representative(s) on what to do if agents arrive. | ☐ |
| 3 | Mark private and public areas. | Place signage such as "Restricted Area: Employees Only" or "Authorized Personnel Only" to indicate a space is non-public. Keep doors to private areas closed or locked. Use signs, fences, or physical barriers to clearly mark and limit access to private areas of your business. | ☐ |
| 4 | Organize and separate your I-9 records. | If you are in California and notified of an immigration inspection, you are required to provide employees with written notice within 72 hours of receiving a Notice of Inspection. You must also let employees know if their work authorization has been flagged by immigration officials. Employers should keep the important I-9 documents separate from other confidential employee or client information. | ☐ |
| 5 | Collect emergency contacts. | The Workplace Know Your Rights Act (SB 294) requires employers to provide an opportunity for all employees to name an emergency contact. Notify your employee's designated emergency contact if he or she is arrested or detained at the worksite, not at the worksite but during work hours, or during the performance of job duties, and you have knowledge of the arrest or detention. | ☐ |
| 6 | Train employees on the company's plan and on their rights | Set up a meeting to train your employees on the plan, ensuring they understand their rights during an immigration enforcement encounter. | ☐ |
| 7 | Designate a trusted person and protect your business assets. | If you are suddenly unavailable, someone you trust should be able to step in and keep your business running. Create a plan in advance and identify a trusted person who can access key information such as bank accounts, payroll, and vendor contacts. A Power of Attorney can authorize them to handle essential responsibilities, such as paying employees, managing accounts, and keeping operations running. | ☐ |

DURING: PUT YOUR PLAN INTO ACTION



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| 1 | Notify your company representative(s). | When immigration agents arrive at your business, employees should contact the company's representatives to talk to the agents. If immigration agents want to enter a private area of the workplace, have your employees show the agents a specific location to wait (e.g., a main office) and tell the agents that only the company's representative has the authority to review warrants or to grant access to private areas. | ☐ |
| 2 | Check for a judicial warrant. | Your company representative should ask to see a warrant signed by a judge. It is against the law for employers or their employees to give immigration agents permission to enter private work areas without a valid judicial warrant signed by a judge. | ☐ |
| 3 | Accompany agents—keep them in authorized areas. | If the agents have a valid judicial warrant, have your company's representative walk with them and ensure the search remains within the boundaries authorized by the warrant. Do not physically block officers or interfere. This could give agents a reason to detain you. You do not need to help agents sort people by immigration status or country of origin. | ☐ |
| 4 | Document and record the encounter. | At a safe distance, film the interaction on your phone or take notes. Write down key information after the encounter. | ☐ |

AFTER: ACTIONS AFTER THE ENFORCEMENT



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| 1 | Notify designated emergency contacts. | If an employee is arrested or detained at the worksite, not at the worksite but during work hours, or during the performance of job duties, and you have knowledge of the employee's arrest or detention, you are required to notify their emergency contact if a contact has been provided. | ☐ |
| 2 | Pay all wages owed. | California law requires employers to pay all final wages to employees who do not return to work, including those who are detained or are otherwise unable to return. When an employee resigns, final wages must be paid within 72 hours. When an employee is terminated without notice, final wages are due immediately. | ☐ |
| 3 | Talk to your team. | It is recommended to hold a meeting as soon as possible after agents leave. Acknowledge what employees witnessed and make clear that the company stands behind their rights. Remind employees that California law prohibits retaliation against any employee for exercising their rights during an enforcement visit and that all California labor protections remain in effect regardless of immigration status. | ☐ |
| 4 | Reach out for help. | If an employee is arrested or detained, the following resources could be helpful: | ☐ |



Access the
full employer
preparedness
guide



California
legal service
providers



Immigration
legal
support



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