



Know Your Rights

Guide to Immigration Rights for Employers

The Attorney General of Nevada enforces the law and guarantees the rights and freedoms of all people are protected in our state. Every resident of Nevada, regardless of an individual's citizenship or immigration status, has basic rights that apply when it comes to contact with law enforcement. This includes contact with immigration officials.

As employers and members of the business community, you may be wondering how you can protect your business as well as the rights of your employees when questions related to immigration enforcement arise. The material listed below will help you understand your rights and provide tips when interacting with law enforcement on immigration matters.

Obtain legal support in advance

Find a qualified immigration lawyer before an Immigration and Customs Enforcement (ICE) visit.

Prepare for I-9 Audits

A Form I-9 audit is when ICE comes to your business to check if you followed the rules for Form I-9. Form I-9 confirms a worker's identity and authorization to work in the U.S.

Coordinate your own I-9 self-audits. Have an outside pair of eyes confidentially inspect personnel data as part of your company's regular maintenance of employee records.

Employers have three business days from receiving a request to provide their Forms I-9.¹ You should contact an immigration attorney before providing anything to ICE.

Create an emergency response plan

Designate a point of contact who is trained to interact with ICE agents and knows the protocol to follow.

¹ U.S. Immigration and Customs Enforcement. "Form I-9 Inspection," Aug. 7, 2023, <https://www.ice.gov/factsheets/i9-inspection>.

Contact immigration counsel, human resources and legal departments if ICE arrives.

Check the documents

If ICE is conducting an I-9 audit or investigation, request to see the subpoena before turning over documents.

If ICE arrives for an unannounced visit, check the warrant to ensure that it is signed and to determine what areas of the workplace are covered.

An administrative warrant permits ICE to access public spaces only including storefronts, lobbies, restaurants and parking lots. It does not include private areas.² Clearly mark private areas and ensure access is restricted.

A judicial warrant signed by a U.S. district or state court judge can grant ICE access to private areas of your business. Check which areas are designated in the warrant.

Calmly interact with ICE agents during the visit

Stay calm and watch the agents to make sure they are complying with the subpoena or warrant, but you should not interfere with agents' lawful activities.

You are not obligated to bring ICE agents to any employees or tell them if a certain employee is at the workplace that day.

Document the details of the visit

Note agent names, badge numbers, areas searched, anything taken from the premises or copied, any interactions with employees.

Educate employees on their rights

Both you and your employees have the right to remain silent and ask for an attorney.

Contact local legal organizations and immigrants' rights groups who can provide helpful literature and "know your rights" training.

Provide "know your rights" cards to employees.

² See *See v. City of Seattle*, 387 U.S. 541 (1967) (holding that administrative entry to areas not open to the public may only be compelled through the warrant procedure); *El-Badrawi v. Dep't of Homeland Security*, 579 F. Supp. 2d 249, 275 (D. Conn. 2008) ("That is why, as a matter of federal constitutional law, search warrants issued exclusively by executive officials involved in an investigation are ignored for Fourth Amendment purposes."); 8 CFR 287.8.

Additional Resources

The websites below have specific information for immigration rights.

Legal Aid Center of Southern Nevada

<https://www.lacsn.org/immigration>

Phone: (702) 386-1070

Nevada Legal Services

<https://nevadalegalservices.org/immigration/>

Phone: (702) 386-0404 (Las Vegas and Carson City)

Phone: (775) 284-3491 (Reno)

Phone: (775) 463-1222 (Yerington)

Phone: (775) 753-5880 (Elko)

UNLV Immigration Clinic

<https://law.unlv.edu/clinics/immigration>

Phone: (702) 895-3000

National Immigrant Justice Center

<https://immigrantjustice.org/know-your-rights>

The Citizenship Project

<https://www.culinaryunion226.org/affiliates/citizenship>

Phone: (702) 868-6002

American Civil Liberties Union

<https://www.aclu.org/know-your-rights/immigrants-rights/>

Phone: (702) 366-1226 (ACLU of Nevada)

American Red Cross Red Cross Reconnecting Families Program

<https://www.redcross.org/about-us/our-work/international-services/reconnecting-families.html>

Phone: (702) 791-3311 (American Red Cross Southern Nevada Chapter)

Progressive Leadership Alliance of Nevada

<https://plancip.org/>

Phone: (775) 800-1851

Catholic Charities of Northern Nevada

<https://ccsnn.org/>

(775) 322-7073