

Immigration, I-9s, and ICE Raids on the Farm:

Practical guidance for farm owners, workers & community partners

Farm businesses and workers are facing heightened fear and uncertainty around immigration enforcement. This fact sheet explains the **basics of hiring compliance (I-9), what happens during an ICE inspection or raid, what the rights and responsibilities of employers are, and what steps families and employers can take after someone is detained.**

Employer Responsibilities: Form I-9 Basics

Employers must complete Form I-9 for every employee.

Employees complete Section 1

- **On the first day of work**, not before hiring.
- Includes personal information and an attestation of citizenship/immigration status.

Employers complete Section 2

- Must be completed **within 3 business days** of hire.
- **Employee chooses** which documents to present based on options outlined on the form.
- **Employers cannot request specific documents** ("Bring your SS card," etc.).
- Employer checks whether documents **appear genuine and relate to the employee.**
- **Photocopying documents is not advised.** Retaining copies can create data-security risks.
- Must keep I-9s **during employment AND for 1 year after separation or 3 years after hiring** (whichever is later).

I-9 Audits vs. ICE Raids: Two types of enforcement

I-9 Audit (Inspection)

- Begins with a formal **Notice of Inspection** (not a surprise).
- Employer has **3 days** to produce I-9s and related records.
- May result in paperwork fines or a **Notice of Suspect Documents.**
- Employers must follow instructions issued during the inspection process, which may include terminating employees.

ICE Raid (Surprise Enforcement Action)

- ICE arrives without notice to detain individuals.
- May or may not relate to an I-9 audit.

This information is for everyone

Evidence shows that lawful presence, work authorization and even citizenship is not protection against detention.

What about E-verify?

- Required in several states for certain private employers: AL, AZ, GA (≥ 11 employees), FL (≥ 25), MS, NC (≥ 25), SC, TN (≥ 35), UT (≥ 150).
- Generally optional elsewhere.
- E-Verify checks whether I-9 info matches government records. **It does not verify immigration status.**
- Errors or unclear responses are common.

Constructive knowledge

Employers may be liable if they **know or should reasonably know** an employee is not authorized to work (e.g., ignoring expired documents or government notices).

Anti-discrimination rules

It is unlawful to:

- Ask for more / different documents than required
- Reject acceptable documents because of someone's appearance or accent.
- Limit hiring to U.S. citizens (with few exceptions)
- Treat non-citizens differently during hiring / verification.

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If ICE Arrives: Rights & Limits

ICE access depends on the type of warrant.

- **Without a judicial warrant**, ICE may enter only **public areas** (farm store, produce stand, customer areas, agritourism paths, etc.).
- **A judicial warrant** (signed by a judge on court letterhead) **is required for non-public areas** (employee-only areas, worker housing, etc.).
- An **administrative warrant** (DHS form) does **NOT** authorize entry into private areas.

Practical steps if ICE arrives

- **Request to see the warrant.**
- **Check the judge's signature**, court name, and who/what is listed.
- **If there is no judicial warrant, ICE must remain in public areas.** If there is a judicial warrant, ICE must remain in the areas specified on the warrant.
- **Train staff on your procedures in case ICE arrives.**
- **Observe and take notes.**
- **Contact an attorney** if concerns arise.

Employers should not

- Provide false information
- Physically block ICE
- Hide workers or direct them to flee.
- Give legal advice to workers or their families.

Preparing your farm for ICE raid

- Clearly mark **public vs. private** areas.
- Use **"No Trespassing"** or **"Employees only"** signs or barriers (cones, chains) to clarify private areas.
- **Choose a backup point-person** if owner is off-site.
- **Let staff know who to call and what to say.**

What to do after someone is detained

Gather information, including:

- Full name, A-number, date of birth, country of birth.
- Details about where they were taken (local police? ICE? Border Patrol? Is there a local processing center?)

Search the Online ICE Detainee Locator.

Requires A-number OR biographical info.

If no results appear, check later—processing can take hours.

Contact an immigration legal service provider.

- **Avoid "notarios," social media scams** (quick-fix promises), or unlicensed immigration consultants.
- **Use a verified directory** (see resources below).
- **Do not sign immigration papers without legal advice.** People in detention may be given forms to sign, such as "voluntary departure" or waivers. Signing can limit or eliminate legal rights and options.

Reach out to community organizations for help.

See resources and directories below.

Key resources (*multilingual options)

Know-Your-Rights

*[National Immigration Law Center \(NELC\) Resources](#)

- [How to Find a Loved One After a U.S. Immigration Arrest](#)
- [Know Your Rights: What to Do if You Are Arrested or Detained by Immigration](#)
- [Green Card Holders: Know Your Rights & Risks During the Second Trump Administration](#)

* [Toolkit for Immigrant Farmers](#) by Equitable Food Initiative

*[We Have Rights](#) ACLU Video Series

*[Know-Your-Rights "Red Cards"](#) by Immigrant Legal Resource Center

Employer guidance. [What to Do If Immigration Comes to Your Workplace](#): A Guide from NELP and NILC

Locate a detained person. ICE [Online Detainee Locator Tool](#)

Find legal help

- *Private immigration attorneys*: American Immigration Lawyers Association [attorney search](#)
- *Legal service organizations*: Accredited nonprofit immigration [legal providers directory](#)

Warning: Immigration scams are common—avoid promises of "quick fixes" on social media or advertising.