



## I. Before a Raid Takes Place

### A. Solidify Workplace Protections

#### 1. The union should enforce employer obligations on issues that affect immigrant members.

- Challenge health and safety, wage and hour, and other labor law violations. Pending charges at the NLRB or complaints with OSHA or the DOL might result in ICE postponing or cancelling an enforcement action. Keep in mind that the union could be liable for failing to represent members if it fails to challenge employer abuse.
- The union may request information about and bargain over employer I-9 audits.
  - Request information about the reason for and the scope of the audit, and request copies of any documents the employer received from any government agency.
- The union may represent workers in reverification of work authorization documents.
  - Employers are only allowed to reverify identity and work authorization documents for expired documents, such as an expired work permit or visa, but not for a lawful permanent resident card with an expiration date. If the reverification is based on the expiration of the employee's work permit, bargain for an unpaid leave of absence. Object to unlawful reverification of current workers such as non-citizen nationals, lawful permanent residents, refugees, asylees, or individuals with temporary protected status. Weingarten allows a union representative or steward to be present if an employer seeks to meet with a worker regarding employment authorization or other immigration issues. Grieve any adverse actions against workers based on unlawful reverification attempts.
- If an employer gets a SSN "no-match" letter, remind them that:
  - A "no-match" letter does not provide authority for an employer to terminate, suspend, lay off, or impose other discipline on an employee, and an employer who does may violate federal labor law.
  - The purpose of a "no-match" letter is to notify an employer when a reported employee's name or social security number does not match Social Security's records. The SSA has no authority to enforce the immigration laws, and the employer should give employees an opportunity to update their documents and information.
- Ensure that contracts have provisions that state: "The Company will not discipline, discharge or otherwise act against any worker who is absent from work for up to [NUMBER] days because of arrest, detention or incarceration, and those days will not count against the worker's time and attendance record."
- Engage with employers about immigration enforcement to establish protocols for their interaction with ICE in the workplace. (E.g. confirm that ICE may not enter private property without a warrant signed by a judge.)

#### 2. Train members, stewards, and staff on the basic rights of individuals during an immigration enforcement action, the union's rapid response plan, and family safety plans.

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3. Establish relationships with local community leaders, allies, non-profits, immigrant rights groups, and legal service providers to be in communication during raids and mobilize the community to support workers and families.
4. Designate a union contact to collect information for consulates in your area, local detention centers and jails, names of local ICE Special Agent in Charge (SAC), and Office of the Federal Public Defender.
5. Develop a media plan and designate a Union spokesperson and workers' spokesperson.
6. The union has no reason to determine the immigration status of a worker; unions must represent all workers regardless of status. However, a union representative must not assist a worker in presenting documents that the representative knows are false.

## B. Make a Family Safety Plan

1. Gather and keep important documents in a safe place, make copies, and make them accessible to a trusted person.
2. Identify reputable immigration, family, and defense lawyers for rapid response. Speak to a family law attorney about the need to sign a power of attorney for the caretaking of children and handling finances.
3. Obtain travel documentation for all family relatives.
4. Carry a KYR right card with contact information of reliable attorney and other emergency contacts.
5. The union should establish an operation command and collection center to use as office space, communication, waiting area, child care, and for cash and food donations. Set up an emergency needs assessment and distribution process for affected families. This includes arranging for medical needs, including medications, dosages, and doctors' contact information.

### KNOW YOUR RIGHTS!

If you are stopped by immigration or the police:

- ✓ Hand this card to the officer, and remain silent.
- ✓ The card explains that you are exercising your right to refuse to answer any questions until you have talked with a lawyer.

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#### To: Immigration or Other Officer

Right now I am choosing to exercise my legal rights.

- I will remain **silent**, and I refuse to answer your questions.
- If I am detained, I have the right to contact an attorney **immediately**.
- I refuse to sign anything without advice from an attorney.

Thank you.



## II. During a Workplace Raid

1. ICE must have a judicial warrant (a warrant SIGNED BY A JUDGE) or the employer's permission to enter the workplace.
2. ICE can enter a public place without a warrant.
3. Workers should stay calm.
4. Workers should not run. Union representatives should not warn workers that immigration has arrived or urge them to run.
5. A union observer should document (write, not film) events taking place during a raid.
6. Workers have the right to remain silent.
7. Workers have the right to an attorney.
8. Workers have the right to refuse to sign anything without talking to an attorney.
9. ICE is not supposed to take someone's fingerprints unless ICE already has a reason to arrest them. Workers should NOT consent to being fingerprinted, and if they are, they should say out loud that they do not agree with being fingerprinted.

Usted tiene derechos constitucionales.

- NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACION ESTA TOCANDO A LA PUERTA.
- NO CONTESTE NINGUNA PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACION SI EL TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse callado. No tiene que dar su nombre al agente. Si está en el trabajo, pregunte al agente si está libre para salir y si el agente dice que sí, váyase. Usted tiene derecho de hablar con un abogado.
- ENTREGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.



I choose to exercise my constitutional rights.

*These cards are available to citizens and noncitizens alike.*



## III. After a Raid Takes Place

Labor leaders should work with the larger community to mobilize and attempt to get detained workers released. The following are recommended steps:

- Keep track of detained members and contact family or relatives of detained members. Determine whether members are a witness to pending charges at the NLRB or complaints with OSHA or the DOL.
- If not already done, assist workers in finding reliable legal representation for detainees for bond hearings, removal defense, and criminal defense.
- Assist with emergency humanitarian assistance to the affected families.
- Track children in foster care and ensure all are counted for and reunited with family.