

# *Navigating ICE and DHS Enforcement in the Agricultural Workplace*

Misty Wilson Borkowski | Webinar hosted by National Agriculture Law Center | February 4, 2026

# Why This Matters for Agriculture

# Why Farms Are at Higher Risk

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Heavy reliance on seasonal and foreign labor

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Mixed-status workforces are common

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Work happens in open fields, housing, and remote locations

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Increased worksite and community-level enforcement

# What This Webinar Will Cover

# Today's Agenda

What ICE is legally allowed to do

Administrative inspections vs. raids

Employer and worker rights

Practical steps to reduce risk

What to do if ICE shows up

Managing the aftermath

Legal options for workers

# Understanding ICE's Authority

# What ICE Can (and Cannot) Do

ICE can:

Conduct administrative I-9 inspections

Enter public areas without a warrant

Arrest individuals with probable cause

ICE cannot:

Enter private areas without consent or a judicial warrant

Force employers to answer questions

Demand documents on the spot (in most cases)

# **Administrative Inspection vs. Raid**

# Not All ICE Visits Are the Same

## Administrative Inspection

- Usually paperwork-focused (I-9s)
- Employer receives a Notice of Inspection (NOI)
- Three (3) business days to respond

## Raid / Enforcement Action

- Targeted arrests
- May involve agents in the field or workplace
- Often unexpected and disruptive

**Why this distinction matters:** Your response should be very different.

# Administrative Inspection: Notice of Inspection (NOI)

## What to Do If You Receive an NOI

- Do **not** hand over documents immediately
- Calendar the deadline
- Contact legal counsel
- Review I-9s before submission
- Do not alter or backdate forms

## Common mistakes:

- Overcorrecting
- Selective re-verification
- Panicking and oversharing

# Raid / Enforcement Action: Employer Rights During Enforcement

## **ASK THREE QUESTIONS - Politely ask:**

- **Who are you?** (Ask for identification)
- **Why are you here?**
- **Do you have a warrant?**

## **Your Rights as an Employer**

- Right to review warrants
- Right to limit access to private areas
- Right to remain silent
- Right to counsel

**Important:** Cooperation ≠ consent

# CHECK THE WARRANT

## Not all warrants are the same.

## ✓ Judicial Warrant (signed by a judge)

- May allow entry to specific private areas
- Check **name, address, and scope**

## X Administrative Warrant (ICE / DHS form)

- **Does NOT allow entry into private areas**
- **Does not require you to provide documents immediately**
- **You may review the warrant before allowing access.**

## JUDICIAL WARRANTS v. IMMIGRATION WARRANTS

623-43 (Rev. 12/99) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT**

for the

**Eastern District of California**

**In the Matter of the Search of**  
 (please describe the property to be searched  
 briefly and clearly by its name and address)  
 [REDACTED]

Davis, California 95816

3  
 3  
 Case No. 98-161  
 3  
 3

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

211-SW-0161 EFB

An application by a federal law enforcement officer or attorney for the government requires the search of the property or premises described in the **EASTERN** District of **CALIFORNIA**.  
 (Identify the person, property or premises to be searched and give specific detail.)  
 SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to contain evidence, to include [REDACTED] (the person or property to be seized).  
 SEE ATTACHMENT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affiant(s), or any recorded testimony, establish probable cause to search and seize the property or property.

**YOU ARE COMMANDED to execute this warrant on or before** 5-9-2001 *[Signature]* *[Signature]*

**Or at the day and hour of 10 a.m. to 10 p.m.** *[Signature]* **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 of seizure.

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 [REDACTED]

(initials)

**I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and therefore the officer executing this warrant to notify [the person whose, or whose] property, will be informed or advised about the specific nature of the property.**

Check the box preceding the later specific date of [REDACTED] *[Signature]*

Date and time issued **4-25-2011**  
**4P 10A 40 AM**

City and state: **SACRAMENTO, CALIFORNIA**

**EDWARD P. BREWER, U.S. MAGISTRATE JUDGE**  
 [REDACTED]

**Is it actually signed by a judge?**

**IF THE ANSWER TO ALL OF THESE  
 IT IS LIKELY A VALID JUDICIAL WARRANT**

**Is this the right address?**

**Note: only the person, property, & areas specified may be searched**

**DEPARTMENT OF HOMELAND SECURITY**  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No. \_\_\_\_\_  
Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_  
(Place of entry) (Date of entry)

subject to removal/deportation from the United States, and upon a final order by:

an Immigration Judge in exclusion, deportation, or removal proceedings  
 a designated official  
 the Board of Immigration Appeals  
 a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, in virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by her/his direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

**THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT**

(Signature of immigration officer)

(Title of immigration officer)

## JUDICIAL SUBPOENAS v. IMMIGRATION SUBPOENAS

# Worker Rights (High-Level)

## Worker Rights During ICE Encounters:

Right to remain silent

Right to refuse consent to searches

Right to ask for a lawyer

Right not to sign documents they don't understand

# I-9 Compliance: Reducing Risk Ahead of Time

# Strengthening Your I-9 Practices

**Employment Eligibility Verification**  
Department of Homeland Security  
U.S. Citizenship and Immigration Services

**USCIS Form I-9**  
OMB No. 1615-0947  
Expires 05/31/2027

**START HERE:** Employers must ensure the form instructions are available to employees when completing this form. Employers are liable for failing to comply with the requirements for completing this form. See below for the [Instructions](#).

**ANTI-DISCRIMINATION NOTICE:** All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or **Supplement B**, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

**Section 1. Employee Information and Attestation:** Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

Last Name (Family Name)  First Name (Given Name)  Middle Initial (if any)  Other Last Names Used (if any)

Address (Street Number and Name)  Apt. Number (if any)  City or Town  State  ZIP Code

Date of Birth (mm/dd/yyyy)  U.S. Social Security Number  Employee's Email Address  Employee's Telephone Number

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions):

1. A citizen of the United States  
 2. A noncitizen national of the United States (See instructions)  
 3. A lawful permanent resident (Enter USCIS or A-Number)  
 4. An alien authorized to work until  (exp. date, if any)

If you check Item Number 4, enter one of these:

USCIS A-Number  OR Form I-94 Admission Number  or Foreign Passport Number and Country of Issuance

Signature of Employee  Today's Date (mm/dd/yyyy)

If a preparer and/or translator assisted you in completing Section 1, that person MUST complete the [Preparer and/or Translator Certification](#) on Page 3.

**Section 2. Employer Review and Verification:** Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.

Document Title 1  OR  List A  AND  List B  AND  List C

Issuing Authority   
Document Number (if any)   
Expiration Date (if any)

Document Title 2 (if any)   
Issuing Authority   
Document Number (if any)   
Expiration Date (if any)

Document Title 3 (if any)   
Issuing Authority   
Document Number (if any)   
Expiration Date (if any)

Additional Information

Check here if you used an alternative procedure authorized by DHS to examine documents.

Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.

First Day of Employment (mm/dd/yyyy)

Last Name, First Name and Title of Employer or Authorized Representative  Signature of Employer or Authorized Representative  Today's Date (mm/dd/yyyy)

Employer's Business or Organization Name  Employer's Business or Organization Address, City or Town, State, ZIP Code

For reverification or rehire, complete [Supplement B, Reverification and Rehire](#) on Page 4.

Form I-9 Edition 01/20/25 Page 1 of 4

Complete I-9s for every employee

Use current version of Form I-9 (<https://www.uscis.gov/i-9>)

Consistent procedures for all workers

Secure storage and retention rules

Accept documents that reasonably appear genuine

Do not ask for specific documents

Research what document to reverify (<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>)

Avoid over-documentation

**Reminder:** I-9 audits ≠ immigration status audits

# Creating an ICE Response Plan

# Every Farm Should Have a Plan

## Designate:

- Point of contact for government agents
- Backup decision-maker
- Legal counsel contact

## Prepare:

- Written protocol
- Front-line staff training
- Signage for private areas

# Practice Makes Prepared

## Using Role-Playing to Prepare for ICE Encounters

- Conduct short practice or role-play sessions
- Train supervisors and front-line staff
- Practice who speaks and who stays silent
- Rehearse checking warrants and denying consent
- Reduce panic and inconsistent responses

# If ICE Arrives On-Site

## First Steps When ICE Shows Up

- Stay calm
- Ask for identification
- Ask for a warrant
- Determine scope and location
- Do not escort agents into private areas without review  
*(Field, barn, housing = usually private areas)*

# PUBLIC VS. PRIVATE AREAS

**ICE may enter:**

- Public areas (parking lots, public entrances)

**ICE may NOT enter without consent or a judicial warrant:**

- Fields
- Barns
- Packing sheds
- Offices not open to the public
- Worker housing

 **Clearly state: “This is a private area. I do not consent to entry.”**

# SAMPLE ROLE-PLAY SCRIPT

**Scenario:** ICE agents arrive at a farm during normal work hours.

**Role 1: ICE Agent (played by trainer):** “We’re with ICE. We’re here to ask some questions and need access to your worksite.”

**Role 2: Front-Line Employee / Supervisor:**

- “I’m not authorized to answer questions. Our designated contact is [Name]. Let me call them.”
- *(Employee steps away and makes the call.)*

**ICE Agent:** “We just need to take a quick look around.”

**Designated ICE Contact:**

- May I see your identification, please?”
- Can you tell me the purpose of your visit?”
- Do you have a warrant?”

**If ICE Presents an Administrative Warrant (ICE Form):** “This is private property. I do not consent to entry into non-public areas.”

**If ICE Presents a Judicial Warrant:** “Thank you. I need to review the warrant.” “The warrant lists these areas. We will comply within its scope.”

**ICE Agent:** “Can you give us a list of your workers or housing assignments?”

**Correct Response:** “I’m not answering questions or providing documents without speaking to counsel.”

# ICE at Fields, Housing, or Worksites

## Special Issues in Agricultural Settings

- Fields and housing are often private property
- Worker housing has heightened privacy protections
- Language barriers can escalate confusion
- Visibility can create panic quickly

**Preparation reduces chaos.**

# Communicating with Workers

## How to Communicate Without Creating Panic

Do:

- Share factual information
- Reassure workers about rights
- Use trusted supervisors

Avoid:

- Speculating
- Encouraging flight
- Asking about immigration status
- Making promises you can't keep

# IF ARRESTS OF A WORKER OCCURS

- Do not interfere
- Document what happened (time, location, names)
- Preserve records
- Communicate calmly with remaining workers
- Expect possible follow-up inspections

# After an Enforcement Action

## Managing the Aftermath

- Document what occurred
- Secure records
- Communicate carefully with remaining workers
- Prepare for possible follow-up inspections
- Address staffing and operational impacts

# Legal Options for Workers

# Possible Immigration Relief (High-Level)

**Depending on facts:**

- Bond and custody issues
- Prosecutorial discretion
- U visas / T visas
- Asylum or other humanitarian relief

**Key point:** Early legal review matters.

# Special Considerations for Multi-State Operations

# Large or Multi-State Farms

- Consistent policies across locations
- Training for supervisors in each state
- Local law enforcement coordination issues
- State-specific employment laws still apply

# Key Takeaways

# What You Should Remember

- Preparation is the best defense
- Not all ICE visits are raids
- Know your rights and your limits
- Train staff *before* an incident
- Get legal help early

# Thank you

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