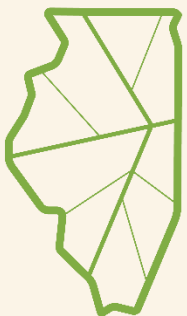


# **Creating a Tactical Plan for Increased Immigration Enforcement**



**LANDSCAPE  
ILLINOIS**

THE STATEWIDE ASSOCIATION  
FOR LANDSCAPE PROFESSIONALS

## **Step 1: Have the Necessary Conversation**

### **Understand your role**

To many employees, their employer is the most stable institution in their lives. Understand what you can and cannot do during an enforcement action to eliminate fear. Employees must understand the business cannot make this all go away, but everyone has rights guaranteed by the United States Constitution when on American soil.

### **Ownership must decide who needs to be part of this conversation**

Increased immigration enforcement is a charged, political issue with dozens of perspectives. Management must decide who needs to be part of this conversation. Examples of a tactical team would include:

- Ownership (for authority)
- Human resources (for legality)
- Production (for crew level buy-in)
- Operations (for organizational buy-in)
- Admin (for communications and organization)

### **Remove politics**

A company should only develop a tactical plan if they find consensus among the team of decision-makers. A tactical plan will not work if political disagreements remain. It is best to do nothing, then to try and implement a tactical plan that will cause dissent due to deep political differences. The tactical team must have an open dialogue without judgment or fear. Doing nothing is an option. Doing something is an option.

### **Determine an apolitical mission**

If the tactical team decides to proceed, it should develop a mission statement that can be communicated to the company. For example, all employees satisfied the I-9 process upon hire. Therefore, the company can take the position that, to the best of their knowledge, their employees have a legal right to work in the United States.

A sample mission statement could be: "We support our employees' right to work without interference."

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## **Step 2: Create an Internal Framework**

### **Institute Company Policy Regarding a Work Authorization Chain of Command**

The company should institute a policy that employee concerns or questions about the legal status of another employee must be brought to management. It is important to establish a chain of command if an employee has questions about another employee's work status. Employees should be encouraged not to contact federal authorities directly and go through HR or management. This does not mean the company condones unauthorized employees. It establishes that there is a defined policy in place to handle concerns. If an employee violates that policy you should not retaliate against them, but can reinforce that his or her actions should have been guided by company policy.

A sample employment policy is included at the conclusion of this document.

### **Use a text-based communication service like WhatsApp or GroupMe**

A text-based network is far more effective than normal company communications or a phone tree during an immigration enforcement action. The text-based network will operate as an emergency back channel. Employees must understand how this back channel will be used during an enforcement action. WhatsApp offers end-to-end encryption. GroupMe does not.

### **Use a watchword if the text-based network is already used for other purposes**

Consider a watchword to let employees know enforcement protocols are underway if a text-based communication network is already used company-wide. For example, a text of "Code Blue" would let employees know enforcement action is underway and protocols are in place.

### **Identify a spokesperson and back-up spokesperson to handle internal communications**

Identify the person who will provide regular updates on the communication network. Identify a back-up if that person is unavailable that day. This person should communicate with management, but not be the person who has to deal directly with agents during an enforcement action. He or she will not be able to do both.

### **Step 3: Clarify Expectations and Roles in the Field**

#### **Establish the role of crew leaders**

Crew leaders will be the field reports and communicate any information to their crews. Crew leaders must be trained and must accept this responsibility. Crew leaders should contact crew supervisors as soon as an enforcement action begins in the field. Crew leaders must be assured their crews understand their rights.

#### **Establish the role of supervisors**

Supervisors play a key role. They will provide field support to crew leaders. Additionally, if there is enforcement activity at the shop, supervisors should keep as many people away as possible. More bodies just add to the chaos. Supervisors may also need to drive employees home if a return to the shop is not possible.

#### **Consider alternative apparel or lack of reflective vests**

Many companies require logo wear or reflective vests in all work situations. A company can consider allowing employees to not wear reflective vests unless required by OSHA for that work zone.

#### **Update Emergency Contacts and child-care/elder-care plans**

Employees should have an updated emergency contact on file. Employees must have a back-up plan in place for child-care, elder care, or other responsibilities in case of immediate detention or apprehension. Employees will not be afforded the luxury to contact others once detained and administrative employees will likely have to handle communication to the family on the employee's behalf.

#### **Understand that Detention = Fear**

Reports are that fear is working its way through immigrant communities regardless of legal status. Employees have been detained for days only to be released after legal paperwork is provided. Fear will exist among front line workers whether or not they have legal work authorization or citizenship. Members have reported 30-40% attrition after an enforcement action on coworkers. That does not imply those workers are illegal, they are just scared.

## **Step 4: Clarify Expectations and Roles at Headquarters**

### **Create a Tactical Response Team at Headquarters**

A small tactical response team should be in place with identified back-ups. This team will include:

- Internal spokesperson - communicate to field workers
- Lawyer communication - contact legal counsel and dialogue with legal counsel
- ICE communication - the point person who interacts directly with ICE agents. Review the judicial or administrative warrant. Enforce protocols if they do not have a warrant. It is best if ownership, a general manager, or someone with HR responsibility handles this.
- Recorder - Record interactions at HQ - a crew member or crew leader should record interactions in the field until a supervisor arrives
- Headquarters protocols - communicate with in-office headquarters staff that enforcement protocols are underway

### **Create signage and designate private areas off-limits to federal authorities without a warrant**

ICE agents may visit the shop without a warrant, but are prohibited from entering private areas. Train all workers to NOT allow ICE agents to enter your workplace and to abide by the posted signage. A worker can say, "I can't give you permission to enter. You must speak with my employer."

Simple signage should be placed at the entrance to all private areas that reads:

***Authorized Access Only - Federal Immigration Authorities are not Allowed Access without a Court-Issued Warrant***

## **Step 5: ICE Interaction**

### **Stay calm, firm, and professional**

ICE visits can be stressful, but encourage all employees to remain calm. No one should run or attempt to flee. Assure employees that your company is compliant with all employment laws and they have rights.

Inform ICE officers that company policy requires legal review of any warrants before compliance.

### **Identify the type of warrant**

A judicial warrant must be signed by a judge and say "U.S. District Court" or a State Court at the top. Sometimes, ICE agents may try to use an administrative warrant to enter. But an administrative warrant does NOT allow agents to enter private areas without the employer's permission. Administrative warrants are not from a court. They say "Department of Homeland Security" and are on Forms I-200 or I-205. Without a judicial warrant, ICE agents need permission to enter private areas of a business.

If ICE is asking to search anything beyond the limitations of the warrant in possession, verbally state they do not have consent to search.

### **Judicial Warrants will most likely be served at home or at the place of business**

It is unlikely a judicial warrant will be executed out in the street or at a job site or traffic stop. Those interactions will be based on reasonable suspicion and not a judicial warrant.

When ICE provides an administrative warrant with an employee's name on it:

- Employers do NOT have to say if that employee is working on that day or not.
- Employers do NOT have to take the ICE agents to the employee named on the warrant (even if he or she is at work at the time).

### **Green Card holders should not lie, ever**

Any employee on a green card (permissible work visa) should remain silent or provide only the truth to federal authorities. It is federal law that if a green card holder lies to federal authorities, they run the risk of invalidating their work visa.

### **Company trucks and vehicles on the road are not safe harbor**

Public access negates privacy. Law enforcement, including ICE, has the right to approach and question individuals in a vehicle on a public roadway or in a parking lot that is open to the public, such as a restaurant or store lot. The owner of the property cannot forbid this.

An ICE or federal official needs "reasonable suspicion" to stop a car. To search the vehicle without a warrant, they must have "probable cause". By driving on public roads, drivers give their "implied consent" to be stopped by law enforcement if they have a legal reason to do so.

An employee should not assume that being in a company vehicle provides protection or safe harbor from an ICE interaction.

### **Employees must know what to say**

Crew members should be coached to say "I do not consent" or "I choose to remain silent." They may repeat that response to every question.

### **Use QR Codes, not detailed documents or phone numbers**

ICE stops are stressful. Employees will not be able to search for phone numbers or emails. Use a simple QR code in the truck to take them to a shared document or webpage with simple instructions on how to handle the encounter until a supervisor arrives. Landscape Illinois has "Know your Rights" documents in English and Spanish that can be linked.

### **Know the rules about proper identification**

Workers do not have to hand over any IDs or papers to ICE. All workers have this right. Employees are not required to show documents beyond what was already provided for employment verification. Because employees are concerned about detention, they may want to provide legal documentation at that moment to avoid a false apprehension. That is also their right.

Crew members should have a mix of original identification and photos of identification

- Non-citizen: valid U.S. passport, green card, or work authorization card
- Citizen: U.S. driver's license or state ID

Non-citizens should have photographs or copies of these documents and should not carry the originals:

- Immigration Status Documents – Green card, visa, I-94 arrival/departure record, or work permit.
- Proof of Legal Presence – USCIS approval notices, asylum applications, or pending immigration petitions.
- Employment Records – Work authorization documents (EAD), pay stubs, or employer verification letters.
- Travel History – Entry/exit stamps, travel itineraries, or prior immigration applications.
- Criminal Records – Police reports, court documents, or evidence of dismissed charges.
- Proof of Residence – Lease agreements, utility bills, or tax returns.

The employee should have an appointed family member who has access to these documents in their household. This family member will need to supply documents in case of detention or apprehension.

### **Understand what records need to be surrendered**

Do not provide employee records without proper authorization. Employee records (I-9s, payroll) should not be handed over without legal review. ICE must present a subpoena or court order to access these records.

## **Enable shop cameras**

Many companies have shop and yard cameras for security purposes and these can also be used to record interactions with federal authorities. Make sure they are active in places where enforcement actions may occur such as a reception area, yard, or breakroom.

## **After ICE Leaves**

- Document everything: Agents' names, everything they did while on site and any requests they made.
- If any employees are detained, ask where they are being taken before ICE leaves the premises.
- Use the text-based network to indicate an all-clear.
- Let everyone on your team know that the company is always looking out for their best interests. Anything you can do to make your employees feel like they have a safe place to work has never been more important.

## **Do Two Dry-Runs**

Practice the response plan once. Make notes and implement changes. Then practice one more time. People will freeze. These are stressful encounters. It is natural that nerves will take over. That is why practice is important.



## **Step 6: Create a Secondary Support Framework**

### **Consider community advocates**

Most communities have local advocacy groups or individual advocates. These individuals should be contacted to record interactions as impartial observers. Most advocates are motivated to ensure the enforcement action is legal and compliant. They are also skilled at managing the onlookers who will naturally gather. A listing of community advocate groups can be found at:

For most parts of Illinois:

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?&state=IL>

For southern Illinois:

[https://www.immigrationadvocates.org/nonprofit/volunteer/organization.487877-Migrant\\_and\\_Immigrant\\_Community\\_Action\\_Project](https://www.immigrationadvocates.org/nonprofit/volunteer/organization.487877-Migrant_and_Immigrant_Community_Action_Project)

Even a motivated family member or friend can serve in this capacity. This person must be on-call during the work day.

### **Connect with a few other landscape companies who do work in your community**

Landscape companies should look out for each other. Have direct contact with a few other companies who do work in your area. Most crews will see other crews before their management does.

### **Select a corporate immigration attorney**

Members should consider creating a relationship with an immigration attorney. Here is a resource: <https://www.justia.com/lawyers/immigration-law/illinois>

### **Select an immigration attorney to support your employees**

It is wise to offer a referral to employees for an immigration attorney. This does not need to be the corporate attorney for a number of reasons including cost, language barriers, and bandwidth.

<https://www.justia.com/lawyers/immigration-law/illinois>

At some point, the employment relationship may end and the former employee or their family may still need resources. Consider sharing this packet from the Illinois Coalition for Immigrant and Refugee Rights:

English: [https://www.icirr.org/files/ugd/7b4415\\_cde718921800433b844a6a431d689806.pdf](https://www.icirr.org/files/ugd/7b4415_cde718921800433b844a6a431d689806.pdf)

## **Step 7: Manage Detentions**

### **Bookmark the Online Detainee Locator System**

Use this page to locate a detainee who is currently in ICE custody or who has been in U.S. Customs and Border Protection's custody for more than 48 hours.

<https://locator.ice.gov/odls/#/search>

### **Determine pay if an employee is detained**

If an employee is detained, the employer may have no contact for many days if the employee is released. The company should use all available PTO until the employee returns. If the employee is deported the employee should be terminated. Employers should be careful not to prematurely terminate employees in case the employee is released from detention and is allowed to legally return to work.

## **SAMPLE:**

### **Policy on Questions Regarding Immigration or Employment Eligibility**

#### **Purpose**

This policy ensures that all employee inquiries or concerns related to another employee's immigration status or work authorization are handled appropriately, respectfully, and in compliance with federal and state laws. The company is committed to maintaining a workplace that is free from discrimination, harassment, and bias of any kind.

#### **Policy Statement**

Employees must not question, discuss, or speculate about another employee's immigration status, citizenship, or work authorization. Such topics are private and confidential. Any concerns or questions regarding these matters **must be directed only to Human Resources or upper management.**

#### **Procedures**

##### **1. Reporting or Inquiry:**

- If an employee has a legitimate concern related to another employee's employment eligibility, it must be reported directly to the Human Resources Department or an upper management representative.
- Employees should not confront or question their coworkers about their immigration or citizenship status under any circumstances.

##### **2. Confidential Handling:**

- HR or management will review and handle all reports discreetly and in accordance with applicable employment and privacy laws.
- Information about an employee's immigration or work status will not be shared except as required by law.

##### **3. Non-Retaliation:**

- Employees who make good faith reports through the proper channels will not be subject to retaliation.
- Employees who engage in harassment, discrimination, or gossip related to another person's immigration status may be subject to disciplinary action, up to and including termination.