

- ✓ **Remain Silent:** You do not have to answer questions about immigration status, where you were born, or your entry history.
- ✓ **Speak to an Attorney:** You have the right to call a lawyer before making decisions.
- ✓ **Refuse to Sign Documents:** Do not sign ANYTHING without speaking to a lawyer.
- ✓ **Protect Your Personal Information:** You do not need to share your address or information about family members.
- ✓ **Contact Your Consulate:** You may request that your consulate be notified.

Using these rights gives you **TIME** to get legal advice.

IF ICE COMES TO A CONSTRUCTION SITE

(Roofing, siding, framing, road work, landscaping, commercial sites, etc.)

Construction sites are often **not fenced, not clearly marked**, and the area may look “open to the public.” ICE sometimes uses this to argue they can simply walk in.

But employers can set boundaries, even outdoors.

✓ 1. What Workers Should Know

Your Rights Stay the Same Outdoors

- You **do NOT** have to answer questions about immigration status.
- You **do NOT** have to show documents unless ICE has a **judicial warrant with your name**.
- You **can walk away** if an officer says you’re free to leave.

If ICE Approaches You on Site

- Stay calm.
- Ask: **“Am I free to leave?”**
 - If yes → **Walk away calmly**.
 - If no → Say:
 - **“I choose to remain silent.”**
 - **“I want to speak to a lawyer.”**
- DO NOT run — ICE uses that as a pretext for arrest.
- DO NOT sign anything.

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Workers should carry (if safe to do so):

- A KNOW-YOUR-RIGHTS card
- Emergency phone numbers for a lawyer / rapid response
- A plan for child care or emergencies
- A “red folder” at home with key documents so family can find them if needed

2. What EMPLOYERS Can Do to Protect Workers

A. Establish a “Non-Public Worksite Zone” (YES, even outside)

Employers have significant power. ICE can enter **only areas open to the public unless they have a judicial warrant.**

Employers can mark areas as **non-public**, including:

- The construction site itself
- Trailers
- Work zones
- Roof access areas
- Scaffolding
- Areas inside fencing or taped boundaries

Simple steps employers can take:

1. Put up “**Private Worksite — Authorized Personnel Only**” signs.
2. Use **cones, caution tape, or portable fencing** to clearly mark the boundary.
3. Have a policy that **all visitors must check in at the office or trailer.**
4. Train foremen/supervisors to:
 - Ask ICE: “**Do you have a judicial warrant signed by a judge?**”
 - Read the warrant.
 - If it’s administrative (I-200/I-205): “**This does not give you permission to enter. I do not consent.**”

This alone stops many surprise walk-ins.

B. Create an “ICE Protocol” for Supervisors

Employers can adopt a simple script:

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“We do not consent to entry into this worksite unless you have a judicial warrant signed by a judge. Please wait while I contact our legal department.”

Supervisors should:

- Not answer immigration questions about workers
- Not provide employee lists unless required by law
- Not escort ICE onto the site without a judicial warrant

C. Employers Should NEVER:

- Gather workers for ICE
- Give ICE lists of workers, schedules, or pay stubs voluntarily
- Prohibit workers from leaving the site
- Allow ICE to enter beyond the public boundary with only an administrative warrant

3. Special Issues for Construction Sites

If the worksite is publicly accessible (e.g., a house exterior or street)

ICE may still argue it's “open to the public.”

Employers can still designate the area as private by:

- Posting signs
- Using barriers/tape
- Requiring check-in for all visitors
- Keeping a worksite log

This creates a clear record that ICE needed permission to enter.

If crews are spread out

Workers should know:

- They can walk away calmly
- They can refuse to answer questions
- They do not need to gather at ICE's direction
- Supervisors should be trained to communicate quickly on radios/phones:
“Stop working. Spread out to deescalate situation. Do not answer questions. Ask if you're free to leave.”

SUPERVISORS'S SCRIPT AT CONSTRUCTION SITES

(When ICE Shows Up at a Worksite)

1. Initial Contact With ICE

Supervisor (calm, neutral tone):

“Hello. Before anything, I need to verify whether you have a judicial warrant signed by a judge.”

If they provide a document:

“I need a moment to review this. Our company policy requires that I confirm whether this is a judicial warrant before allowing entry.”

If it is an administrative warrant (I-200/I-205):

“This is an administrative warrant. Company policy does not allow entry into non-public areas without a judicial warrant signed by a judge. We do not consent to entry.”

If they try to pressure or insist:

“I’m following company protocol. I’m not obstructing — just confirming legal requirements. Please hold while I contact our legal department.”

2. Communicating With Workers (SAFE + LEGAL)

This language avoids anything like “hide” or “evade,” and focuses only on **safety**, **calm**, and **rights**:

Supervisor (radio or verbal announcement):

“Everyone, stay calm and remain where you are. Follow safety protocol. If any officer approaches you, you have the right not to answer questions you don’t want to answer.”

Or, if needed:

“If an officer approaches you, keep working or move safely to another part of the site. Do not run. Stay calm.”

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If workers are clustered in a dangerous or chaotic area:

“Let’s spread out for safety. Do not crowd. Keep calm and continue following company safety rules.”

If workers ask what they should do:

“You can ask an officer, ‘Am I free to leave?’ If the answer is yes, you may walk away calmly.”

(This puts the decision on the worker + the officer. No instruction to hide or evade.)

3. If ICE asks supervisors to gather workers

Supervisor:

“Our company policy does not allow us to assemble workers for law enforcement. Workers may speak with you voluntarily, but we do not gather or identify employees.”

If ICE insists:

“I’m not refusing to cooperate — I just can’t do that under company policy without instruction from our legal department.”

4. If ICE asks for employee lists, schedules, or documents

Supervisor:

“I’m not authorized to release employee information. That must go through our HR/legal department. I will contact them.”

5. If ICE tries to move deeper into the site

Supervisor:

“Just to repeat: without a judicial warrant signed by a judge, we do not consent to entry into non-public work areas.
I’m not blocking you; I’m stating our policy.”

6. If ICE pressures the supervisor personally

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Supervisor:

“I’m not interfering with your work. I am following company policy and verifying legal requirements. Our legal department will be in contact.”