

Promoting Fair and Safe Workplaces for All

Guide and Model Policies to Assist the Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, and the Division of Workers Compensation in Responding to Immigration Enforcement



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Preface: Immigration and the Role of Labor Agencies

California’s labor agencies operate within a complex and evolving legal and policy landscape shaped by both immigration enforcement practices and state laws designed to protect access to public services. In recent years, significant changes at the federal level—combined with new legislative action in California—have altered how public institutions, including labor agencies, must understand and respond to immigration-related activity.

This guide reflects those developments. It is intended to provide California’s labor agencies with a comprehensive framework for maintaining safe, accessible, and trusted environments while complying with applicable law when responding to immigration enforcement actions. The Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, and the Division of Workers’ Compensation (each, a “Labor Agency,” and together, the “Labor Agencies”) are encouraged to adopt these policies.¹

Why This Guide Is Necessary

California’s labor agencies are responsible for coordinating workforce programs and ensuring safe and fair workplaces for all workers in the state, regardless of immigration status. They serve workers and employers throughout California by enforcing labor laws, providing training and support, administering benefits, and connecting educational and industrial efforts related to workforce development.

For immigrant communities in particular, labor agencies play a critical role. They ensure that employers follow labor laws and pay fair wages to immigrant workers, investigate complaints made by workers, and provide resources and education to both employers and employees on their rights and responsibilities under the law. To fulfill this mission, labor agencies must maintain environments that are welcoming, non-discriminatory, and protective of worker privacy. However, evolving immigration enforcement practices have created new challenges for labor agencies. Individuals may hesitate to access services if they believe their presence, personal information, or participation in programs could expose them—or their family members—to immigration enforcement. This guide was first developed and subsequently updated to address these concerns and help labor agencies maintain employee confidentiality, preserve public trust, and respond consistently and lawfully to immigration enforcement activities.

Unprecedented Expansion of Immigration Enforcement

This guide is once again updated to assist labor agencies in their operations in the context of heightened immigration enforcement at and around public institutions. Federal immigration enforcement has undergone substantial transformation in recent years. These changes have expanded not only the scale of enforcement activity, but also the ways in which enforcement interacts with public institutions. A central development is the expansion of immigration enforcement from borders and targeted domestic encounters with individuals who posed significant public safety or national security risks into everyday settings and public institutions that communities depend on to advance the current federal administration’s mass deportation goals. This shift has resulted in increased frequency of broad-based civil immigration arrests and of racial profiling by immigration enforcement—practices that have led to a surge in community arrests of undocumented and lawfully present individuals without criminal convictions.² For labor agencies, this means that encounters may now arise during routine operations and in spaces traditionally understood as neutral or service-oriented.

This rapid expansion of the immigration enforcement infrastructure has been fueled by substantial increases in federal funding and the erosion of federal institutional safeguards.³

At the same time, U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) have been scaling back internal guardrails, including reductions in force of internal oversight bodies, cuts to training programs, and loosening other procedural protocols for promoting transparency and accountability.⁴ As a result, enforcement operations now regularly involve personnel from multiple federal agencies and officers who operate in plain clothes, face coverings or with limited identifying information. Additionally, recent rescissions and modifications of historical federal guidance that discouraged enforcement actions in certain “sensitive” locations, such as schools, hospitals, and places of worship, with little explanation have meant that enforcement may now occur in a broader range of settings associated with essential services like those provided by labor agencies.

With fewer safeguards on data acquisition and data use in immigration enforcement, DHS and ICE are also aggressively pursuing requests for data about an individual or groups of individuals. These requests can seek specific identifying information about a person such as their name, address, contact information, program participation, service usage, appointment times, or presence at a facility. These requests can also seek access to broader data such as program enrollment records or demographic and personally identifying information about patrons. In other instances, DHS and ICE have been attempting to amass personal identifying data through data or audit related requests from other federal agencies that condition continued federal funding of state programs on data disclosure, or by leveraging access to shared federal-state databases or aggregated datasets, in ways not fully visible or known to the originating state agency

These realities underscore the importance of clear policies governing access to labor agencies and staff responses to enforcement presence.

Impacts on Public Trust

Contemporary immigration enforcement practices can negatively impact public trust in government institutions, including labor agencies. When individuals believe that accessing public services may expose them—or their family members—to immigration enforcement, they may avoid visiting public facilities, decline to participate in programs, refrain from exercising their statutory rights or seeking assistance or information, or limit engagement with government institutions more broadly. These effects extend beyond undocumented individuals and can also affect lawfully present immigrants, United States citizens in mixed-status households, or individuals who are perceived to be foreign nationals based on language, ethnicity, or association. This chilling effect can undermine public goals such as education access, equitable service delivery, community safety, and civic participation. For labor agencies, maintaining public trust is essential to promote fair labor practices and support economic opportunities. Policies that protect confidentiality, minimize unnecessary data collection, and clearly define staff responsibilities are critical to ensuring continued access and engagement.

California’s Legislative Response

In 2017 California enacted the California Values Act, Senate Bill (SB) No. 54 (2017-2018 Regular Session) (SB 54), which restricts, with some exceptions, the use of state or local law enforcement agency funds or personnel to investigate, detain, or arrest individuals for civil immigration enforcement purposes, and limits the sharing of certain information with immigration authorities. SB 54 also directs the California Attorney General to develop model policies and guide to shelters, public schools, public colleges and universities, libraries, public healthcare providers, courthouses, and labor agencies that limit their interactions with immigration enforcement to the fullest extent permitted by law. SB 54 reflects a policy determination that public agencies must prioritize their core missions and maintain community trust.

In response to this new immigration enforcement landscape, in 2025 California enacted Senate Bill 580 (SB 580) which directs the Attorney General to develop model policies and guide to state and local agencies regarding their interactions with immigration enforcement.⁵ SB 580 also requires the Attorney General to develop guidance, audit criteria recommendations, and training recommendations for state and local agencies to limit the availability of stored information to anyone or any entity for the purposes of immigration enforcement to the fullest extent practicable, consistent with federal and state law. This guide is intended to satisfy the Attorney General's mandate under SB 54 and SB 580 as it relates to Labor Agencies. The Attorney General's July 1, 2026 SB 580 guidance and model policies broadly apply to all state and local agencies, but do not provide guidance specific to Labor Agencies. Accordingly, the Department of Justice recommends Labor Agencies consult this specific guide and implement the model policies, or their substantial equivalent, found in this guide to satisfy their obligations under SB 580. Because the Attorney General is reissuing this guide under SB 54 and SB 580, Labor Agencies are required to adopt the model policies found in this guide by January 1, 2027.

This update to the SB 54 model policies and guide responds to recent changes in federal immigration enforcement practices and policy, as well as changes in California state law, since the guide was last updated in December 2024. These changes include DHS's rescission of its sensitive locations policy, increased reliance on databases and data sharing in immigration enforcement, federal grant conditions and ongoing litigation, and California's enactment of new laws that impact labor agencies and their response to immigration enforcement. These laws, all introduced during the 2025-26 Regular Session of the California State Legislature, include Senate Bill 580 (effective January 1, 2026), Senate Bill 294 (effective January 1, 2026). The 2026 guide also identifies additional resources in the event a worker is detained.

This guide is not legal advice. This guide is based on the law as of July 2026, which, of course, may change. Labor Agencies should consult with their legal counsel when formulating policies and practices, and in addressing any questions regarding the issues covered in this guide. For guidance-related information and/or to report any related immigration enforcement incidents or if you believe that state or federal law is being violated at a Labor Agency, you may contact the Office of the Attorney General at Immigration@doj.ca.gov.

Note: For purposes of this guide, the term "immigration enforcement" has the meaning provided in Government Code section 7284.4, subdivision (f): "'Immigration enforcement' includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States." This guide uses variously the terms "immigration officer," "immigration enforcement officer," and "officer engaged in immigration enforcement." All of these terms are used in reference to any officer or official, whether local, state or federal seeking to enforce federal immigration law.

Introduction

California's economy is the fourth largest in the world, generating \$4.1 trillion in gross domestic product each year.⁶ The state's employers and employees are essential to California's economic success, since their businesses and labor fuel our robust economy. Equally important are the state's labor agencies, which ensure that workers are treated fairly and have safe work environments. All workers are generally entitled to protections, rights, and remedies under state law, regardless of immigration status.⁷

Employers, employees, and labor agencies play a critical role in ensuring that the state's economy continues to thrive. In California, an estimated 1.5 million workers are undocumented.⁸ Undocumented immigrants are an integral part of California's economy, and each county's economy, paying an estimated \$8.5 billion in state and local taxes,⁹ with a contribution of more than \$151 billion annually to the state's economy.¹⁰ Despite these important contributions, undocumented immigrants are often subject to workplace abuses by employers seeking to exploit them because of their immigration status.¹¹ For example, in a 2009 study of wage theft, 37.1 percent of unauthorized immigrant workers reported being paid less than the minimum wage in the previous week, compared to 21.3 percent of documented immigrants and 15.6 percent of United States-born citizens surveyed.¹²

Fear of retaliation and the prospect of removal deters workers from reporting unpaid wages, substandard working conditions, and other unlawful practices by their employers.¹³ As a result, undocumented workers are discouraged from accessing remedies afforded to them by law.

Despite the sizeable undocumented immigrant labor force and its vulnerability to exploitation, the California Labor Commissioner's Office received 33 administrative complaints of immigration-related retaliation in 2021.¹⁴ Undocumented workers are deterred in reporting labor law violations. And when unscrupulous employers engage in exploitive practices against vulnerable employees, they gain a competitive advantage over law-abiding employers.

Thus, building trust between California's immigrant community and state labor standards enforcement agencies advances the safety of California's laborers, as well as the prosperity of law-abiding employers. This trust is threatened when state and local agencies are entangled with immigration enforcement, causing immigrant community members to fear reprisal if they report labor law violations or seek legal redress to which they are entitled.

California's Labor Agencies

The California Labor and Workforce Development Agency, in its oversight of seven major departments, boards, and panels, ensures that California businesses and workers have a level playing field in which to compete and prosper.¹⁵

As a subagency of the Labor and Workforce Development Agency, the California Department of Industrial Relations' mission is to protect and improve the health, safety, and economic well-being of over 18 million workers. Additionally, the Department of Industrial Relations assists employers in complying with state labor laws.¹⁶ Housed within the Department of Industrial Relations are two subagencies that carry out this mission:

1. The California Labor Commissioner's Office—also known as the Division of Labor Standards Enforcement—adjudicates wage claims, investigates retaliation and public works complaints, and enforces labor law and Industrial Welfare Commission wage orders.¹⁷

2. The Division of Workers' Compensation monitors the administration of workers' compensation claims and provides administrative and judicial services to assist in resolving disputes that arise in connection with claims for workers' compensation benefits.¹⁸

The California Agricultural Labor Relations Board provides a forum for all agricultural workers and stability in agricultural labor relations. The Board prescribes procedures for protecting, implementing, and enforcing the respective rights and responsibilities of employees, employers, and labor organizations in their relations with each other.¹⁹

Purpose of this Guide

This guide is designed to support California Labor Agencies in meeting their purpose of serving the public while limiting engagements with immigration enforcement. The model policies laid out in this guide are aimed at assisting Labor Agencies and their staff members in focusing their resources on their distinct missions of protecting the rights of workers, while leaving immigration enforcement efforts to others.²⁰ To that end, this guide discusses procedures for responding to immigration enforcement actions and requests for information directed at Labor Agencies. This guide, however, is not intended to address the duties that Labor Agencies may have as employers when faced with the same requests about their own employees.²¹

If any specific agency-provided service presents circumstances not addressed in these materials, agency staff should consult with legal counsel in adapting the model policies described here. Furthermore, each Labor Agency may have already adopted policies equivalent to, or exceeding, the protections afforded by the policies set forth in this guide. To the extent that a Labor Agency has developed policies that are aligned with or provide greater protections for immigrants and others seeking access to the Labor Agency's services, this guide is not intended to displace those policies. Nor does the exclusion of a particular policy in this guide—whether recommended by a stakeholder group or implemented by an agency—necessarily indicate the Attorney General's disapproval of that policy. Rather, this guide offers foundational elements reflecting the minimum that should be present in the policies adopted by any Labor Agency and should serve as a resource to enhance current policies as needed and ensure alignment with state law.

01 Legal Protections for Workers Who May Be Subject to Immigration Enforcement Actions

Purpose of this Section

To describe legal protections that apply to workers who may be the subject of immigration enforcement actions, and to share with Labor Agency staff recommended principles and protocols for daily operations to improve access for workers, regardless of their immigration status.

Governing Law

1. Immigrant Workers' Workplace Protections

All protections, rights, and remedies available under California law, except any reinstatement remedy prohibited by state or federal law, "are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed in California."²² In proceedings or discovery undertaken to enforce those state laws, no inquiry is permitted into a person's immigration status, except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary to comply with federal immigration laws.²³

This general principle is also reflected in specific state employment law schemes. For example, the definition of "employee" that is used to determine eligibility for worker's compensation benefits specifically includes noncitizen workers.²⁴ Similarly, federal courts recognize that undocumented persons may enforce their own labor rights,²⁵ and that the specter of immigration enforcement may have a chilling effect on the exercise of employment rights, even for documented workers.²⁶

2. Anti-Retaliation Laws Protecting Immigrant Workers

State labor law specifically protects individual workers who may be subject to retaliation by their employers because of their undocumented status. It prohibits employers from engaging in unfair immigration-related practices that retaliate against employees who exercise rights protected by the Labor Code or local ordinances.²⁷ Similarly, it is unlawful for employers to use threats related to immigration status to retaliate against employees who have exercised their labor rights.²⁸ If an employer reports or threatens to report the immigration status of a worker or a worker's family member, that act constitutes an adverse action for purposes of establishing a violation of an employee's, former employee's, or prospective employee's rights.²⁹ Also, as a matter of internal policy, the Division of Labor Standards Enforcement may "with or without receiving a complaint" investigate an employer that it suspects to have engaged in retaliatory conduct in connection with "instances of suspected immigration-related threats."³⁰

The penalties for violating these anti-retaliation statutes can be severe. An employer's professional license may be revoked if the employer is found to have retaliated against an employee based on immigration status.³¹ In addition, a lawyer who participates in retaliatory activities related to an immigrant's exercise of employment rights may be suspended or disbarred.³²

3. Workers' Immigration Status Information

As noted above, the Labor Agencies enforce state labor laws on behalf of all workers, regardless of immigration status, and no inquiry shall be permitted into a person's immigration status except where "the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law."³³ In other words, state law restricts the circumstances under which Labor Agency employees may inquire into a worker's immigration status.

Federal law does not affirmatively require a labor agency to share immigration status information in its possession. Section 1373 of title 8 of the United States Code provides that state and local government entities and officials cannot prohibit or restrict any governmental entity or official from maintaining information regarding a person's immigration status, exchanging information regarding a person's immigration status with other governmental entities, or sending or receiving information regarding the citizenship or immigration status of any individual to or from immigration authorities.³⁴

In keeping with federal law, this guide does not recommend or require labor agencies to adopt a policy restricting staff from sharing immigration or citizenship status information in violation of 8 U.S.C. section 1373 or its counterpart 8 U.S.C. section 1644. However, sections 1373 and 1644 do not obligate government entities or officials to provide the federal government with any information about a person's immigration status (or any information of any other kind) nor do they prohibit state and local governments from restricting the sharing of other forms information such as a person's last known address, contact information, or physical description information. Importantly, these federal laws do not require labor agencies to collect or preserve immigration status information.

The federal government has also attempted to condition the receipt of certain federal grant funding on the recipient agreeing to cooperate with immigration enforcement or to comply with certain federal laws relating to immigration. Such conditions can give rise to potential legal issues. Any entity confronted with such a condition should consult its legal counsel. A public entity facing such a condition may also contact the Office of the California Attorney General, which has been involved in ongoing litigation efforts challenging conditional federal funding. As of the date of this publication there have been many lawsuits against the Trump Administration related to the federal government's attempt to require immigration enforcement cooperation as a condition of receiving federal grant funding.³⁵

Recommendations

In addition to the model policies appearing in Section 3 and database recommendations found in Section 4, the Attorney General makes the following recommendations:

1. Evaluate, Update, and Publish Policies and Procedures to Ensure that All Workers, Regardless of Immigration Status, Are Aware of Their Rights Under California Law

Labor Agencies are encouraged to evaluate their current procedures and practices, and modify them as appropriate, to ensure that all workers, regardless of immigration status, feel safe in accessing the services available at Labor Agencies.

The following procedures are offered by way of example and may be adapted and modified in accordance with operational needs:

- Do not post hearing calendars in waiting areas or online. Instead, where possible, rely on support staff to communicate calendar information to workers and opposing parties;

- Where hearing calendars are posted in waiting areas, consider referring to matters on the calendar by their case or calendar numbers in lieu of party names identifying workers;
- Consider using case numbers or calendar numbers, not party names, to call matters.
- Provide secure waiting rooms for employers and workers;
- Permit remote appearances by phone or video where feasible;
- Permit witnesses to testify pseudonymously at evidentiary hearings; and
- Consider, to the extent permissible by law, continuing rather than dismissing ongoing matters in which a worker has failed to appear for reasons related to potential immigration enforcement actions.

Labor Agency staff should receive a copy of all model policies under this guide (or the equivalent policies adopted by the Labor Agency) and receive training about these policies.

2. Database-Related Recommendations Under SB 580

Labor Agencies must adopt policies that meet or exceed the California Department of Technology Office of Information Security (CDT OIS) requirements. To the extent that Labor Agencies are developing policies that are aligned with or provide greater protection, Labor Agencies should develop policies and procedures that seek to achieve the following goals:

- Ensure contracts with private vendors include terms that prohibit unauthorized access or disclosure of personally identifiable data to law enforcement, including immigration enforcement agents.
- Incorporate terms in contracts with private vendors that requires logging of all requests for information by law enforcement, including immigration enforcement officers.
- Develop audit criteria for staff and private vendors that include obligations to conduct database audits and demonstrate compliance through reporting or access.
- Ensure that in all instances where a vendor becomes aware that personally identifiable information was requested or shared with law enforcement, including immigration enforcement officers, it is documented and reported. Vendors must notify agency staff of requests for personally identifiable information before sharing information.
- Log and report all instances that staff become aware of disclosure of information or data to law enforcement, including immigration enforcement officers.

3. Additional Recommendations Under SB 580

Labor Agencies should pay close attention to the terms and conditions of contracts or grants that they agree to, including contracts that permit vendors to sell or make data available to third parties like federal agencies. Immigration enforcement agencies or agents may attempt to secure a labor agency's proprietary data through third parties that contract with the labor agency.

02 Responding to Requests and Attempts by Immigration Enforcement Authorities to Access Labor Agency Facilities

Purpose of this Section

To provide Labor Agency staff with guidelines for responding to requests to access Labor Agency facilities for immigration enforcement purposes. This section also describes various types of documentary authority that immigration enforcement authorities may present in support of a search or arrest.

Governing Law

1. Access to Labor Agency Facilities

Fourth Amendment

The Fourth Amendment may be implicated where immigration enforcement authorities seek physical access to a facility. The Fourth Amendment to the United States Constitution protects individuals against unreasonable searches and seizures. What is required for law enforcement officers to access areas of a Labor Agency facility depends on whether a worker—or any person within a Labor Agency facility—has an expectation of privacy in the place to be entered. Where a reasonable expectation of privacy exists, the federal Constitution prohibits access without consent, a judicial warrant, or the types of circumstances that excuse the warrant requirement. This guide does not address all factual circumstances that may arise relating to an individual's Fourth Amendment protections in different areas of a Labor Agency facility.

Workplace Know Your Rights Act

To protect workers amidst the increase in immigration enforcement actions in the state, the Workplace Know Your Rights Act (Senate Bill No. 294, 2025-2026 Regular Session) (SB 294) (Workplace Act) creates two key obligations for employers as of February 1, 2026. First, it requires California employers to distribute a standalone written notice to all employees annually detailing specified workers' rights, as well as constitutional rights of an employee when interacting with law enforcement. Additionally, employers are required to allow workers to designate an emergency contact who must be notified if the employee is arrested or detained during work hours.³⁶

As required by the Workplace Act, the Labor Commissioner has developed a template notice that an employer may use to comply with the notice requirement. An employer must provide written notice to each employee at the time of hire and on an annual basis through their standard digital or physical communications channels, including but not limited to, "personal service, email, or text."³⁷ Specifically, the notice must detail worker rights regarding workers' compensation, union organizing, and protections against unfair immigration-related practices, including the right to be notified of a federal immigration inspection. To ensure compliance, employers must maintain accurate records for a minimum of three years that these notices were delivered to employees in a language they understand.³⁸

The Workplace Act also requires employers to establish a formal process by which employees can designate an emergency contact specifically to be notified if they are arrested or detained during work hours.³⁹ While general notice violations are subject to a \$500 per employee penalty, failure to notify

an emergency contact during an arrest can result in a penalty of \$500 per day and up to a maximum of \$10,000 per employee.⁴⁰

Please Note: For additional information, the Department of Industrial Relations has created a notice regarding the Workplace Act. The notice is available at: <https://www.dir.ca.gov/dlse/Know-Your-Rights-Notice/Know-Your-Rights-Notice-English.pdf>

Access to Nonpublic Areas in Labor Agencies

The Immigrant Worker Protection Act (Assembly Bill No. 450, 2017-2018 Regular Session) imposes obligations on the conduct of public employers and persons acting on their behalf, in the event an officer engaged in immigration enforcement seeks to enter an employer's place of business, subject to certain exceptions.⁴¹

Public employers, or persons acting on their behalf, are prohibited from providing "voluntary consent" for an immigration enforcement agent to enter "any nonpublic areas of a place of labor."⁴² This provision does not apply if the immigration enforcement officer provides a judicial warrant.⁴³ (Additional information about identifying judicial warrants can be found in Subsection 3 below.) This provision also does not preclude a public employer from bringing an immigration enforcement agent into a nonpublic area of the workplace for the purpose of determining whether the agent has a judicial warrant, "provided no consent to search nonpublic areas is given in the process."⁴⁴

Whether voluntary consent was provided by a public employer or a person working on their behalf is a fact-based determination that depends on the specific circumstances of the interaction between the employer and the officer conducting immigration enforcement. In general, for consent to be voluntary, it cannot be the result of duress or coercion, whether express or implied.⁴⁵

As a public employer, if Labor Agencies have employee records, Labor Agencies must also provide a written notice to employees regarding an inspection by an immigration agency of I-9 Employment Eligibility Verification forms or other employment records and the results of any such inspection.⁴⁶

Please Note: For additional information, the Labor Commissioner has provided a template notice that employers may use to comply with Labor Code 90.2. The notice is available at: https://www.dir.ca.gov/DLSE/LC_90.2_EE_Notice.pdf

Rescission of Protected Area Policies

As discussed in the Preface, on January 20, 2025, the Secretary of the U.S. Department of Homeland Security (DHS), which oversees ICE and CBP, rescinded the Biden-era version of the "protected areas" policy that had limited immigration enforcement in or near areas requiring "special protection."⁴⁷ The Biden-administration policy did not prohibit enforcement actions in protected areas, but directed that ICE and CBP should avoid enforcement actions in or near protected areas "to the fullest extent possible."⁴⁸

DHS's current policy, as of the date of this publication, is that officers should use their discretion to balance a variety of interests in deciding what law enforcement actions to take, including the degree to which any law enforcement action occurs in a sensitive location, along with "common sense."⁴⁹ Consistent with this policy, current ICE guidelines charge Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where, and when to conduct an immigration enforcement action in or near a protected area, and providing verbal or written authorizations for such actions.⁵⁰

Since the rescission of the protected areas policy, news reports have documented immigration enforcement activity around hospitals, elementary schools, and other sites previously designated as protected areas.⁵¹ The lawfulness of DHS's current policy is the subject of litigation pending as of the date of this publication.

While labor agency facilities were not specifically included in the list of locations designated as protected areas for purposes of ICE and CBP enforcement actions, Labor Agencies should have plans in place should an immigration enforcement officer requests information or physical access to a nonpublic area of their facilities for immigration enforcement purposes.

Labor Agency staff should not physically interfere with an immigration enforcement officer in the performance of their duties. However, Labor Agency staff are not required to assist with the apprehension of a person identified in an ICE administrative warrant, nor are Labor Agency staff required to consent to an immigration enforcement officer's search of Labor Agency facilities. In fact, as a public employer, a Labor Agency cannot provide voluntary consent to an immigration enforcement officer seeking access to a nonpublic area when presented with an ICE administrative warrant.⁵²

Racial Profiling by Immigration Authorities

As of the time of this publication, and pursuant to the Supreme Court's decision in *Noem v. Vasquez Perdomo*, immigration enforcement officers may rely on a combination of factors in forming reasonable suspicion for immigration enforcement inquiries.⁵³ These factors may include a person's presence at particular work sites such as day laborer pickup sites or agricultural sites, the type of work they do, speaking Spanish or English with an accent, and their apparent race or ethnicity.⁵⁴ In *Noem v. Vasquez Perdomo*, the Supreme Court lifted a California district court's injunction against DHS's roving immigration patrols in Los Angeles, allowing federal agents to continue their practice of conducting immigration enforcement stops based on these factors, including race, pending the final outcome of the litigation.

Federal officers are bound by the Fourth Amendment which prohibits unreasonable searches and seizures. The Fourth Amendment also prohibits unreasonable use of force and requires that arrests be made based on probable cause. Members of the public may report potentially unlawful activity in California by federal agents or personnel at <https://oag.ca.gov/ReportMisconduct>. Examples of potentially unlawful activity by federal law enforcement agents may include use of excessive force; unlawful searches, seizures, or arrests; wrongful detentions; interference with voting; or other civil rights violations. Additionally, regardless of this interim decision or the final outcome of the *Noem v. Vasquez Perdomo* litigation, state law continues to prohibit state and local law enforcement from engaging in racial or identity profiling.

Please Note: Filing a complaint does not guarantee that the Office of the Attorney General will take formal action on a complaint.

2. Description of Warrants, Subpoenas, and Court Orders Used for Immigration Enforcement

An immigration enforcement officer who is seeking to enter a Labor Agency to search for or apprehend a worker may present any of several different types of documents as authority for the search or apprehension. Below, this guide provides an overview of various types of documentary authority an officer may present. Sample copies of each document are appended to this guide. Of course, not all of these documents provide legal authority to enter and search a particular area. Also, a document that might appear to be valid authority to enter and search a particular area may be defective in a way that is not apparent to someone without legal training. It is important to understand that, when presented with a request by a law enforcement officer to enter and search a Labor Agency facility, Labor Agency staff and workers should not provide consent to the officer to enter an area of the facility or otherwise assist with any search or arrest. When presented with any documents, Labor Agency staff should immediately contact a designated Labor Agency administrator or its legal counsel before providing any access. Labor Agency staff should not, however, attempt to physically interfere with the officer's entry, even if the officer appears to be acting in excess of authority and without consent.

Officers engaged in immigration enforcement may be in civilian clothing without displaying a badge or other insignia. Labor Agency staff should ask the officers to provide credentials.

ICE Administrative "Warrant"

An ICE administrative "warrant" is the most typical type of document used by immigration enforcement officers. An ICE administrative warrant can be issued by a number of federal agents⁵⁵ and ICE administrative warrants can be issued for purposes of removing an individual.⁵⁶ Such a document authorizes an immigration enforcement officer to arrest a person suspected of violating immigration laws. An ICE administrative warrant can be issued by any authorized immigration enforcement officer and is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, because it is not supported by a showing of probable cause of a criminal offense. An ICE warrant is not issued by a court or magistrate judge.

An ICE warrant does not grant an immigration enforcement officer any special power to compel Labor Agency personnel to cooperate with their requests. For example, an ICE warrant does not authorize access to nonpublic areas of a Labor Agency. An ICE warrant alone does not allow an immigration enforcement officer to search Labor Agency records. (See Appendix A for a sample ICE administrative "arrest warrant" (Form I-200), and Appendix B for a sample ICE "removal warrant" (Form I-205).)

Notice to Appear

A notice to appear (NTA) is a charging document issued by ICE, CBP or the U.S. Citizenship and Immigration Services (USCIS) seeking to commence formal removal (or deportation) proceedings against an individual before an immigration court. An NTA contains allegations made about a particular person's immigration status, charges about the person's removability (or deportability), and has no bearing on shelter staff. An NTA notifies an individual that he or she is expected to appear before an immigration judge on a certain date. An NTA does not authorize an individual's arrest by immigration enforcement authorities or local law enforcement authorities.⁵⁷ (See Appendix C for a sample of an NTA (Form I-862).)

An NTA does not require Labor Agency staff to take any action or grant an officer engaged in immigration enforcement any special power to compel the Labor Agencies to cooperate with the officer. An NTA does not authorize access to nonpublic areas of the Labor Agencies. An NTA does not legally require Labor Agency staff to allow authorities to search Labor Agency records. An NTA does not legally require Labor Agency staff to identify individuals listed in the NTA or assist with any search of the individual.

Federal Court Warrant

A federal court warrant is issued by a district judge or a magistrate judge of a U.S. District Court, based on a finding of probable cause authorizing the search or seizure of property, the entry into a nonpublic area to arrest a person named in an arrest warrant, or the arrest of a named person.

There are two types of federal court warrants, a search-and-seizure warrant and an arrest warrant.

- A federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant. (See Appendix C for a sample federal search and seizure warrant (Form AO 93).)
- A federal arrest warrant allows an officer to arrest the individual named in the warrant. (See Appendix D for a sample federal arrest warrant (Form AO 442).)

Prompt compliance with a federal court warrant usually is required. Labor Agency staff should consult with a designated Labor Agency administrator or legal counsel before responding.

Administrative Subpoena

A DHS administrative subpoena is a document that requests production of documents, testimony, or other evidence for use in immigration related investigations or in immigration proceedings, and is issued by an immigration enforcement officer or other DHS personnel.⁵⁸ The administrative subpoena will contain the following information: file number, subpoena number, mailing address to which to mail the requested information, a list of the regulations that apply, the request for information, and the signature(s) of the officer(s). (See Appendix F for a sample administrative subpoena (Form I-138).)

A Labor Agency generally does not need to immediately comply with an administrative subpoena. If an immigration enforcement officer arrives with a pre-designated administrative subpoena, the Labor Agency may decline to produce the information sought and may choose to challenge the administrative subpoena before a judge. Therefore, Labor Agency staff should immediately contact a designated Labor Agency administrator or its legal counsel upon receipt of an administrative subpoena.

Federal Judicial Subpoena

A federal judicial subpoena is a document that asks for the production of documents or other evidence. The federal judicial subpoena will identify a federal court and the name of the judge or judicial magistrate issuing the subpoena and may require attendance at a specific time and location and the production of prescribed records. (See Appendix F for a sample federal judicial subpoena.)

As with an administrative subpoena, noted above, a Labor Agency generally does not need to immediately comply with a federal judicial subpoena, and can challenge it before a federal judge in a U.S. District Court. Labor Agency staff should therefore immediately contact a designated Labor Agency administrator or legal counsel upon receipt of a federal judicial subpoena.

Court Order

If an immigration enforcement officer arrives with a court order, a designated Labor Agency administrator or other designated person shall review the order with legal counsel, and then respond accordingly.

Recommendations Regarding Immigration Enforcement Access to Agency Facility

In addition to the model policies appearing in Section 4, the Attorney General makes the following recommendations:

1. Designate Restricted Access Areas Within the Facility

The Immigrant Worker Protection Act does not define a “public” versus “non-public” area, nor does it otherwise indicate that these terms should be given anything but their ordinary meanings. Labor Agency facilities should therefore develop policies to enhance the privacy available to facility users consistent with their mission. Labor Agency facilities should consider which areas of their facility should have restricted access and clearly designate those areas through mapping, signage, locks or other access restrictions, or a combination thereof. Designating restricted areas and developing policies limiting access to outsiders can promote the Labor Agencies’ ability to operate a safe and efficient environment in which to enforce labor laws that is aligned with the Labor Agencies’ mission. Labor Agencies should acknowledge that immigration enforcement activities, and threats of such activities, interfere with their missions and should adopt policies on restricted areas and similar policies regarding access to facilities and users that promote a safe environment conducive to the Labor Agency’s mission. While restricted areas protect facility users and staff in other ways and promote the need for a safe environment aligned with the institution’s mission, such restrictions on access will not always equate to Fourth Amendment protection.

As noted above, Labor Agency staff cannot provide “voluntary consent” to allow officers seeking to engage in immigration enforcement to enter “nonpublic places of labor” within government- operated facilities, such as Labor Agency offices and facilities, without a judicial warrant. Each Labor Agency should identify which areas within its offices and facilities meet this standard. The Labor Agency should consider designating those areas accordingly, including by posting signs.⁵⁹ Each Labor Agency may also consider other measures to enhance expectations regarding privacy within areas of the Labor Agency’s offices and facilities, such as by adopting policies limiting public access and installing access controls.

2. Establish Procedures for Staff to Respond to the Presence of Officers Seeking to Engage in Immigration Enforcement at Labor Agency Facilities

The Attorney General recommends that Labor Agency administrators consider developing internal protocols providing administrative law judges and staff with direction for how to address immigration-related warrants to ensure that hearings and other operations are not disrupted.

Each Labor Agency should designate a staff member or legal counsel as the person to whom frontline staff could escalate incidents involving immigration enforcement. Each Labor Agency should also train staff, including frontline staff and the designated staff, to be familiar with the relevant documents and procedures used by immigration enforcement officers. Staff should follow model policies, such as the ones in Section 4 of this guide, regarding responding to requests to access Labor Agency facilities, workers, and records regarding workers.

If operational needs require a Labor Agency to conduct enforcement activities offsite, such as to accommodate parties who reside or work in remote locations, such Labor Agency should adopt protocols for offsite locations, including communications with designated Agency administrators and/or legal counsel. Where possible, the Labor Agency should ascertain in advance whether the site affords sufficient privacy for workers.

Each Labor Agency is encouraged to track incidents or other contacts involving immigration enforcement. The Labor Agency can employ an incident report form to ensure that pertinent details involving in-person visits and written or telephonic requests for information by immigration enforcement authorities are memorialized. Such an incident report form should include, at minimum, the following information:

- Name of staff person who responded to the contact or incident, including position and contact information;
- Name of any other staff members involved, including staff's position and contact information;
- Date, time, location, and manner of the contact (e.g., in-person, by phone);
- Name, agency, and badge number of all involved officers;
- Stated purpose of the visit or contact, described in as much detail as possible;
- Description of any records or information requested;
- Description of area(s) of facilities that the officer entered;
- Description of interaction with the officer, including any communications regarding consent and circumstances of forced entry; and
- Copies of any documents provided by the officer.

3. Connect Workers to Additional Resources

In the event that a worker or a worker's family member is detained, Labor Agency staff should be aware of the following resources.

ICE Detainee Locator

The ICE online detainee locator (<https://locator.ice.gov/odls/#/search>) can help people determine if someone has been detained and where the individual is being held. In using the ICE detainee locator, it is helpful to know the individual's date of birth and 'A-Number' (Alien Registration Number), if there is one. An individual who entered the United States without inspection may not have an A-number.

Please Note: The ICE online detainee locator is intended only for locating individuals who are already detained. The website is not updated regularly; if an individual known to be detained does not appear on the website, it should not be interpreted as confirmation that they are no longer detained or have been deported. If an individual has general questions about their immigration status, they should be referred to a list of legal service providers such as those linked in the Legal Assistance section below.

Rapid Response Networks

In response to immigration enforcement actions, some immigrant rights and legal advocacy organizations have developed Rapid Response Networks (<https://caimmigrant.org/what-we-do/policy/fighting-mass-detention-deportation/resources-for-immigration-legal-protection/>). These provide hotlines where individuals can call if they see or are impacted by immigration enforcement actions; often mobilize trained responders to verify reports of enforcement activity; and connect individuals to legal assistance, “Know Your Rights” information, and follow-up services. In some cases, they also coordinate rapid attorney activation when someone is detained.

Please note: Rapid Response Networks are not government agencies—they are community defense systems that help people understand their rights and access legal resources when immigration enforcement actions are taking place locally.

Legal Assistance

Immigration lawyers in private practice or legal-aid organizations may be able to provide legal assistance to secure the release of, or arrange for visits to, an individual or individual’s family member.⁶⁰

- ✓ An individual can determine if lawyers are licensed by and in good standing with the State Bar of California by checking online at <https://www.calbar.ca.gov/legal-professionals>.
- ✓ Individuals may be able to find legal assistance from legal aid offices and lawyer referral services at the California Department of Social Services website, <http://www.cdss.ca.gov/inforesources/immigration/contractor-contact-information>, or at the California Courts website, <http://www.courts.ca.gov/1001.htm>. California courts also operate Self-Help Centers that may also be able to provide legal assistance to individuals. A list of these centers across the state is available at <https://selfhelp.courts.ca.gov/self-help/find-self-help>.
- ✓ The Immigration Advocates Network maintains a national immigration legal services directory. The directory allows users to search for free or low-cost immigration legal services providers by state, county, or detention facility. Users can refine their search by areas and types of legal assistance provided, populations served, and languages spoken. The directory is available at: <https://www.immigrationadvocates.org/nonprofit/legaldirectory>
- ✓ The Executive Office for Immigration Review (EOIR), Office of Policy, Public Resources Program (PRP) administers a List of Pro Bono Legal Service Providers. The list is provided to individuals in immigration proceedings and contains information on non-profit organizations and attorneys who have committed to providing at least 50 hours per year of pro bono legal services before the immigration court location where they appear on the list. The list also contains information on pro bono referral services that refer individuals in immigration court proceedings to pro bono counsel. A list of pro bono legal service providers can be found here: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>
- ✓ A list of additional resources can also be found on the Attorney General’s website: <https://oag.ca.gov/immigrant#resources>

Please note: The fact that an attorney is licensed, accredited, or in good standing with a State Bar does not guarantee competence, diligence, or honesty; individuals should independently verify qualifications and exercise caution to reduce the risk of inadequate representation or fraud. Moreover, individuals should not hire an immigration consultant (often referred to as “notaries” in Spanish language) if they are seeking advice and assistance regarding their immigration status. Immigration consultants are not attorneys or immigration experts. In fact, they are not legally required to know anything about immigration law because they are only allowed to help with non-legal tasks like translating information.

Immigration consultants cannot —and should not—provide advice or direction about an individual’s eligibility for different types of immigration relief, which immigration forms to submit, or speak to the government on a client’s behalf. In addition, immigration consultants must be bonded and pass background checks with the Secretary of State. To learn whether a specific immigration consultant has complied with these requirements, consult the Secretary of State website here: <https://specialfilings.sos.ca.gov/icbs>.

Immigration Court Website and Hotline

If an individual wants to know the status of their immigration case they can consult the Executive Office for Immigration Review (EOIR) Automated Case Information System website (<https://acis.eoir.justice.gov/en/>) and/or call the Immigration Court Hotline at [1-800-898-7180](tel:1-800-898-7180). It is useful to check both the website and hotline since they have different categories of information. The Asylum Seeker Advocacy Project (ASAP) also provides links and resources to navigating the immigration court system here: <https://asaptogether.org/en/check-court/>.

The EOIR will frequently change the time, date, and potentially even the location of immigration hearings. If EOIR changes this information, it will email a new notice of hearing, but individuals can also always check with the Immigration Court Hotline. Individuals must show up for all of their immigration hearings. If they do not, they may be ordered removed in their absence.

Consulate or Embassy

The consulate or embassy of an individual’s country of origin may be able to offer additional information and assistance.

Model Policies for Preserving Worker Access to Labor Agencies

Under Government Code section 12532.5(2), Labor Agencies are required to adopt these model policies or their equivalent by January 1, 2027.

- ✓ [Labor Agency] shall evaluate current procedures and practices, and modify them as appropriate, to ensure [Labor Agency] remains accessible to workers who seek to enforce their labor rights and who may be the subject of immigration enforcement actions.
- ✓ To the extent practicable, [Labor Agency] shall identify nonpublic restricted locations within [Labor Agency] facilities. [Labor Agency] personnel shall be trained on who may access restricted locations.
- ✓ As soon as possible, [Labor Agency] personnel shall report the presence of the officers to a supervisor or designated personnel. If reported to a supervisor, the supervisor should contact [designated personnel or legal counsel]. Agency staff shall not physically engage, assist, or interfere with any officer engaged in immigration enforcement.
- ✓ When [Labor Agency] staff receives a request from an immigration enforcement officer to enter labor facility, agency staff should do the following:

Model Policies for Preserving Worker Access to Labor Agencies Continued

1. Notify designated personnel or legal counsel of the request and advise the officer that before consenting to an entry into agency facility, staff must notify [designated personnel or legal counsel].
2. Ask to inspect, and make a copy of or note, the officer's credentials (i.e., name and badge number). Also ask for and copy or note the phone number of the officer's supervisor. If they refuse to identify themselves, note their refusal.
3. Ask the officer to produce a copy of any document authorizing their entry into agency facility.
4. Make a copy of all documents provided by the officer.
5. While the officer is waiting, staff shall decline to answer questions posed by the officers and direct the officer to speak to a [Labor Agency] supervisor or designated legal counsel.
6. Once the request is with the designated personnel or legal counsel, [Labor Agency] shall then respond based on the documentation that purports to authorize the request:
 - **An ICE administrative "warrant" (see samples in Appendix, items A & B):** Immediate compliance is *not* required. If the agent is seeking access to nonpublic areas of the facility, agency shall decline the request.
 - **A notice to appear (see sample in Appendix, item C):** This document is not directed at [Labor Agency's] facility. [Labor Agency] staff is under no obligation to deliver or facilitate service of this document to the person named in the document. If the agent is seeking access to nonpublic areas of the facility, agency shall decline the request.
 - **A federal judicial warrant (either a search-and-seizure warrant or an arrest warrant; see samples in Appendix, items D & E):** Prompt compliance usually is required, but where feasible, staff should consult with legal counsel before responding. Compliance is limited to the scope of the warrant.
 - **A subpoena for the production of documents or other evidence (see samples in Appendix, items F & G):** Immediate compliance is *not* required. Inform the officer that [Labor Agency] cannot respond to the subpoena until after it has been reviewed by legal counsel. If officer seeks access to nonpublic areas of the facility, agency shall decline the request. Provide a copy of the warrant to legal counsel as soon as possible.
7. If immigration enforcement officer seeks to use Labor Agency spaces, property, or resources for immigration enforcement purposes, [Labor Agency] in consultation with legal counsel shall consider prohibiting such use.
8. If the officer attempts to physically access facilities including nonpublic areas, [Labor Agency] staff should immediately contact [designated personnel, security, or legal counsel] and not attempt to physically interfere with the, even if the officer appears to be acting without consent or exceeding the purported authority provided by a warrant or other document.
9. Document the officer's actions in as much detail as possible when they enter [Labor Agency] premises, but without interfering with the officer's movements.
10. Complete an incident report that includes the information gathered or described above and the officer's statements and actions.

03 Responding to Requests for Information

Purpose of this Section

To provide Labor Agency staff with guidance for responding to requests for worker information and/or data for immigration enforcement purposes, including recommendations regarding databases.

Governing Law

1. Workers' Immigration Status Information

As noted above in Section 1, Labor Agencies are generally restricted from inquiring into worker immigration status, but state and local governments cannot prohibit or restrict any governmental employees from sending or receiving information regarding the citizenship or immigration status of any individual to or from immigration enforcement authorities.⁶¹

2. Workers' Compensation Records

Workers' compensation records that contain individually identifiable information, and are not associated with an adjudicated claim, are protected from disclosure under state law.

Specifically, persons or entities who are not parties to a worker's compensation claim, including public entities, generally "may not obtain individually identifiable information obtained or maintained by the division on that claim."⁶² "Individually identifiable information" for this purpose refers to "any data concerning an injury or claim that is linked to a uniquely identifiable employee, employer, claims administrator, or any other person or entity."⁶³

Any records contained in workers' compensation claim files maintained by the Workers' Compensation Appeals Board, however, are not similarly protected and are open to public review.⁶⁴

Once an individual files an application for adjudication with the Workers' Compensation Appeals Board in connection with their workers' compensation claim, the information contained in that individual's Workers' Compensation Appeals Board case file is open to public inspection, except for judicially sealed documents.⁶⁵ Individually identifiable information contained in Workers' Compensation Appeals Board case files are not to be provided to any person or public or private entity who is not a party to the claim unless the identity of the requesting party is provided, along with the reason for making the request.⁶⁶ Generally, residential addresses are deemed to be confidential and cannot be disclosed to any person or public or private entity, except that they may be provided to a party to the claim, a law enforcement agency, an office of a district attorney, any person for a journalistic purpose, or other governmental agency.⁶⁷

Recommendations

In addition to the model policies found in this section, the Attorney General makes the following recommendations:

1. Account for Applicable Exemptions and Restrictions Regarding the Disclosure of Confidential Worker Information

In evaluating and responding to a written request for records or information regarding workers, a Labor Agency should identify and consider any applicable exemptions from disclosure or other confidentiality requirements that apply to information encompassed by the request.

2. Notify Workers Regarding Any Requests for Information by Immigration Enforcement Officers

A Labor Agency should consider providing notice to any worker who is the subject of such a request, especially to the extent that doing so would further the Labor Agency's goal of protecting labor and workplace rights and preventing retaliation in the workplace.

Model Policies for Information Sharing with Immigration Enforcement

Under Government Code section 12532.5(2), Labor Agencies are required to adopt these model policies or their equivalent by January 1, 2027.

- ✓ [Labor Agency] shall develop and maintain written policies and procedures on reviewing and responding to administrative warrants, administrative subpoenas, judicial subpoenas, judicial warrants, and court orders that purport to. These policies shall provide that requests accompanied by administrative warrants, administrative subpoenas, judicial warrants, judicial subpoenas, and court orders are to be forwarded to and reviewed by legal counsel before a response is made.
- ✓ [Labor Agency] shall train and designate staff or legal counsel to advise and assist staff regarding responses to requests for information regarding workers. This training should include applicable laws including confidentiality and privacy laws.
- ✓ Designated staff or legal counsel will be available to respond to [Labor Agency] front-line staff on short notice and during regular business hours. The contact information and availability of designated staff or legal counsel will be communicated to [Labor Agency] staff.
- ✓ Labor Agency shall establish protocols for use by [Labor Agency] personnel likely to receive in-person, written, telephonic, or electronic requests for information related to immigration enforcement. Under these protocols, requests for information shall all be routed to the designated staff or legal counsel for their review before a response is made.
- ✓ For all information requests made outside of the California Public Records Act, Labor Agency should, shall require the request to be made in writing.
- ✓ Before responding to any information request, Labor Agency should identify relevant privacy or confidentiality laws that may prohibit the release of information and whether 8 USC sections 1373 or 1644 apply.

Model Policies for Information Sharing with Immigration Enforcement Continued

- ✓ [Labor Agency] should to retain the log and accounting of request for information made by immigration enforcement.
- ✓ When [Labor Agency] staff receive an information request from an immigration enforcement officer, agency staff should do the following:
 1. Decline to answer questions, immediately notify designated personnel or legal counsel of the request, and advise the officer that the request will be reviewed by the designated personnel or legal before any information is provided.
 2. Ask to inspect, and make a copy of or note, the officer's credentials (i.e., name and badge number). Also ask for and copy or note the phone number of the officer's supervisor. If they refuse to identify themselves, note their refusal.
 3. Ask the officer to produce any documentation that authorizes access to [Labor Agency] information.
 4. Make a copy of all documents provided by the officer.
 5. Once the request is with the designated personnel or legal counsel, [Labor Agency] shall then respond based on the documentation that purports to authorize the request:
 - **No documentation:** A request for information where the immigration enforcement officer provides no documentation: compliance is not required. Labor Agency, in consultation with legal counsel, shall consider not responding.
 - **An ICE administrative "warrant" or administrative "subpoena" (see samples in Appendix, items A & B):** Immediate compliance is not required. Labor Agency, in consultation with legal counsel, shall consider not responding.
 - **A federal judicial search warrant (see samples in Appendix, items D & E):** Prompt compliance usually is required, but compliance should be limited to the scope of what the search warrant requires.
 - **A subpoena for the production of documents or other evidence (see samples in Appendix, items F & G):** Immediate compliance is not required. Labor Agency can petition a court to quash the subpoena.
 6. Complete an incident report that includes the information gathered or described above and the officer's statements and actions.

04 Guidance, Audit Criteria, and Training Recommendations Regarding Databases Pursuant to SB 580

The Office of the Attorney General publishes the following guidance, audit criteria, and training recommendations regarding databases as required by SB 580 codified in California Government Code section 12532.5. Labor Agencies are free to adopt these recommendations.

Database Guidance and Audit Criteria Recommendations

[Labor Agency] strives to provide a clear, objective, and measurable foundation for audits. Strong criteria ensure that audits generate actionable insights, highlight improvement opportunities, and enhance accountability across the organization. Whether establishing operational audits or compliance audits, [Labor Agency] has adopted processes and procedures to implement secure and legally compliant database operations to ensure that auditors can assess whether objectives are being met effectively and whether [Labor Agency] complies with regulations or internal standards.

In support of this objective, [Labor Agency] will undertake best efforts to implement auditing best practices, which may include the following recommendations:

1. Establish or designate a person, committee, unit, or oversight body responsible for conducting agency-wide database audits, and clearly defining the roles, responsibilities, and authority necessary to fulfill this responsibility.

Note: This designee should have sufficient independence to perform their oversight responsibilities objectively and without undue influence or personal conflict, as well as have the necessary skill and knowledge to effectively discharge their oversight responsibilities.

2. Grant the designee access to sufficient relevant and reliable information, such as agency policies, to fulfill oversight responsibilities by, for example, defining the scope of information necessary to effectively exercise its oversight role, establishing a process to periodically review the quality and quantity of information it receives from [Labor Agency] and external sources, and establishing appropriate, credible, complete, and timely performance and risk information to [Labor Agency] to allow for correction.
3. To assist with establishing a baseline of knowledge and the context by which to assess compliance with expectations, [Labor Agency] will evaluate policies and procedures, internal control documents, industry standards and best practices, and relevant laws and regulations to identify the required or desired state or expectation with respect to [Labor Agency]'s program or operation.
4. Regularly conduct audits and establishing how often audits should occur, listing the programs that collect personally identifiable information, identifying minimum scope of data collection needed for each programmatic necessity, identifying minimum data retention requirements based on programmatic necessity, and establishing processes for data handling

To ensure that data found in databases are limited from disclosure to immigration enforcement authorities, to the fullest extent practicable, consistent with federal and state law, here are the Attorney General's database guidance recommendations:

1. Only collect personally identifiable information on individuals as required to support [Labor Agency]'s mission and only as allowed by law or regulation. Personal information may include, but is not limited to, name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history.
2. Regularly reviewing forms, databases, and program intake practices to avoid collecting information that is not necessary to administer the program, such as unnecessary household member identifiers, unnecessary place-of-birth fields, or unrestricted narrative fields.

Note: Personally identifiable information or personal information is any data that can be used to identify a specific individual. Personal information may include, but is not limited to, name, social security number, physical description, gender and sexual identity, home address, home telephone number, education, financial matters, and medical or employment history.

3. Regularly review and log all immigration enforcement requests for access to agency databases.
4. Regularly review and log all instances where a vendor discloses information or data for immigration enforcement purposes that [Labor Agency] becomes aware of.
5. Regularly review database access rights and promptly revoking unnecessary privileges for users with no business need.
6. Regularly review and ensure agreements relating to data sharing, including contracts with private vendors, incorporate terms that prohibit unauthorized accessor disclosure of data to law enforcement, including immigration enforcement authorities.
7. Review and identify chain of command and the individual(s) responsible for reviewing requests for information and issuing approvals.
8. [Labor Agency] has designated [list name(s)/job title] as the [individual(s)/office] responsible for implementing corrective actions identified by the audit. [Name(s)/job title] will aim to engage with appropriate internal and external stakeholders to align expectations and document agency compliance at regular review intervals.

[Note: Outside of requests for information, when Labor Agency shares data with third parties for purposes of collaboration, grant compliance and/or research, Labor Agency, as a matter of best practice, should develop procedures and requirements for entering into a written Data Use Agreement prior to the discretionary delivery of sensitive or confidential data. Data Use Agreements should include:

1. A detailed description of the purposes for which the data is being used.
2. The specific confidentiality and information security controls that the requestor must follow (e.g., who is allowed to access the data, technological security standards, and how to destroy or return the data after they are no longer needed for the business purpose for which they were obtained).
3. How to handle a privacy breach.

Requests for Labor Agency data may be denied for any reason including, if the stated purpose is inconsistent with Labor Agency's purposes or policies, the requester's proposed use of the data would exceed Labor Agency's permissible use of the data, the scope of a request for data seems disproportionate in comparison to the purposes for which the data is being requested, or its use would otherwise pose unnecessary risks to Californians' privacy and security, or would otherwise violate California privacy laws, considerations should be made to deny the request.

[Labor Agency] has [developed or adopted] data and record retention schedules based on legal requirements and privacy best practices or as promulgated by [insert reference to retention schedule Labor Agency has either adopted or follows]. These retention schedules may be found at [insert reference or link to data/record retention schedule adopted or followed by Labor Agency.]

In accordance with data and record retention schedules, [Labor Agency] has developed or adopted secure deletion methods for data no longer required to fulfill [Labor Agency]'s mission or programmatic requirements.

[Labor Agency] has conducted an agency-wide evaluation of the types of records [Labor Agency's] contracted vendors/utilities collect and generate to determine whether information regarding an individual's immigration status is maintained by such contracted vendors/utilities. [Labor Agency] as a matter of practice, will determine the appropriate vendors with primary responsibility for collecting and generating immigration status information and ensure that such information is retained by those vendors only for what is programmatically necessary.

Dissemination of Information to Contractors

[Labor Agency] has established role-based access controls to database systems and physical files that restrict who may access sensitive or personally identifiable information. This includes continued restrictions for files housed off-site or with private vendors.

[Labor Agency should consider appending this policy or integrating data security requirements to any contracts, MOUs, or agreements to ensure that vendors and contractors abide by the same policy and limitations.]

Applicability and Enforcement

This policy is applicable to all [Labor Agency] personnel, including employees, interns or externs, volunteers, security personnel, and any individual working for or contracted by [Labor Agency]. Violations of this policy will be investigated and appropriate disciplinary or corrective actions for all breaches of this policy will be addressed in accordance with [Labor Agency] existing practices.

Training Recommendations

It is best practice for Labor Agency, at a minimum, to adopt and implement the following training recommendations:

1. Maintain training completion records;
2. Identify individual(s) responsible for developing training, determining how often training should occur, and personnel who should be trained. This includes making contractors, vendors, or other agencies aware of all provisions of relevant agency policies and access to in-person workshops, quarterly webinars, or on-boarding training related to interactions with enforcement agents;

3. Train staff, volunteers, and contractors on how to determine the origin of informational requests and how to categorize their intended use, including requesting, in writing, the legal basis and intended use, and documenting it as part of the record;
4. Train staff to identify any governing general or sector-specific privacy or confidentiality law applicable to information requests that may be relevant to agency operations, identify legal authorities for the receipt of information, and relevant exemptions to those legal authorities;
5. Train staff to assist requesters in creating written requests for information and to direct a requester to enter into a Data Use Agreement if appropriate;
6. Train staff on the scope of an informational request and how to provide only the minimum information required by law;
7. Train staff in compliance with retention schedules and secure deletion methods.
8. Train staff on written policies and processes for responding to law enforcement requests for information, including requests related to immigration enforcement;
9. Train staff on federal and state legal limits on cooperation with immigration enforcement.
10. Train staff on how to respond to enforcement requests, including de-escalation practices and when to elevate to a supervisor or manager;
11. Train staff on privacy and best practices for handling personally identifiable information. This may include only allowing authorized data usage in secured locations, conducting regular training on data security, and ensuring that data is only accessed from official workstations and laptops that meet technological control standards. Among other practices, making sure to only access, copy, download, or export the minimum necessary amount of personally identifiable information that is required to perform any specific business function;
12. Train staff on procedures for logging and documenting all interactions with law enforcement, including immigration enforcement requests;
13. Train staff on documenting or reporting deficiencies in database management and processes for corrective measures;
14. Train staff on how to identify and report patterns of non-compliance within the chain of command or with the appropriate external agency.

Endnotes

- 1 Gov. Code, § 7284 .8, subd. (a) .
- 2 Craft & Singh, *US arrests more immigrants in February 2025 than any month in last seven years*, The Guardian (Mar. 13, 2025), <https://www.theguardian.com/us-news/2025/mar/13/us-immigration-arrests-february-2025> (as of May 1, 2026); Blair & Hausman, *Immigration Enforcement in the First Nine Months of the Second Trump Administration*, Deportation Date Project (Jan. 27, 2026), <https://deportationdata.org/analysis/immigration-enforcement-first-nine-months-trump.html> (as of May 1, 2026).
- 3 See Ruiz Soto, *A New Era of Immigration Enforcement Under Trump 2.0*, Migration Policy Inst. (Oct. 2025), <https://www.migrationpolicy.org/news/new-era-enforcement-trump-2> (as of May 1, 2026); Haddock & Roy, *ICE and Deportations: How Trump Is Reshaping Immigration Enforcement*, Council on Foreign Relations (Feb. 27, 2026), <https://www.cfr.org/articles/ice-and-deportations-how-trump-reshaping-immigration-enforcement> (as of May 1, 2026); U.S. Dept. of Homeland Security, *DHS Sets the Stage for Another Historic Year* (Jan. 20, 2026) <https://www.dhs.gov/news/2026/01/20/dhs-sets-stage-another-historic-record-breaking-year-under-president-trump> (as of May 1, 2026); American Immigration Council, *Immigration Detention Expansion in Trump’s Second Term* (Jan. 2026) <https://www.americanimmigrationcouncil.org/wp-content/uploads/2026/01/immigration-detention-report.pdf> (as of May 1, 2026).
- 4 Bustillo, *Homeland Security Makes Cuts to Civil Rights and Immigration Oversight Offices* (Mar. 21, 2025) NPR <<https://www.npr.org/2025/03/21/nx-s1-5336738/homeland-security-rif-cuts-dhs> > (as of June 24, 2026); Blumenthal Releases Whistleblower Documents Showing Drastic Cuts to ICE Training and Testing for New Recruits (Feb. 23, 2026) Richard Blumenthal <<https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-releases-whistleblower-documents-showing-drastic-cuts-to-ice-training-and-testing-for-new-recruits>> (as of June 24, 2026).
- 5 Gov. Code, § 12532.5.
- 6 *California is now the 4th largest economy in the world*, (Apr. 23, 2025) Governor Gavin Newsom <<https://www.gov.ca.gov/2025/04/23/california-is-now-the-4th-largest-economy-in-the-world/>> (as of Feb. 13, 2026).
- 7 Gov. Code, § 7285, subd. (a) .
- 8 Thorman and Cremin, *Who are California’s Workers?* (Feb. 2025) Public Policy Institute of California< <https://www.ppic.org/publication/who-are-californias-workers/>> (as of Feb. 13, 2026).
- 9 *California Budget & Policy Center: California’s Undocumented Residents Make Significant Tax Contributions* (Oct. 29, 2024) Institute on Taxation and Economic Policy, <<https://itep.org/california-budget-policy-center-californias-undocumented-residents-make-significant-tax-contributions/>> (as of Nov. 26, 2024).
- 10 *Conference Explores Challenges and Economic Impact of Undocumented Immigrants in California*, California Lutheran University (Jan. 31, 2024) <<https://news.callutheran.edu/2024/01/conference-explores-challenges-and-economic-impact-of-undocumented-immigrants-in-california/>> (as of Nov. 26, 2024).
- 11 Khouri, *More workers say their bosses are threatening to have them deported* (Jan. 2, 2018) L.A . Times<<http://www.latimes.com/business/la-fi-immigration-retaliation-20180102-story.html>> (as of Sept. 10, 2018).
- 12 Bernhardt, Annette, et al., *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America’s Cities* (2009) Center for Urban Economic Development, National Employment Law Project, and UCLA Institute for Research on Labor and Employment <<https://www.nelp.org/app/uploads/2015/03/BrokenLawsReport2009.pdf>> (as of Dec. 2, 2024).
- 13 See *United States v. Brignoni-Ponce* (1975) 422 U.S. 873, 879 (finding that undocumented immigrants “are vulnerable to exploitation because they cannot complain of substandard working conditions without risking deportation”).
- 14 Garcia-Brower, *2021 Retaliation Complaint Report* Cal. Dept. of Industrial Relations <<https://www.dir.ca.gov/dlse/RCILegReport2021.pdf>> (as of Nov. 26, 2024).
- 15 Cal. Labor & Workforce Dev. Agency, *About the Labor and Workforce Development Agency*, <<https://www.labor.ca.gov/about/>> (as of Feb. 13, 2026).
- 16 Cal. Dept. of Industrial Relations, *About Us* (Apr. 2025) <<https://www.dir.ca.gov/aboutdir.html>> (as of Feb. 13, 2026).
- 17 Cal. Dept. of Industrial Relations, *About DLSE* (Apr. 2019) <<https://www.dir.ca.gov/dlse/aboutdlse.html>> (as of Feb. 13, 2026).
- 18 Cal. Dept. of Industrial Relations, *Division of Workers’ Compensation* (2018)<<https://www.dir.ca.gov/dwc/>> (as of Feb. 13, 2026).
- 19 Cal. Agric. Rel. Board, *Who We Are* (2026)<<https://www.alrb.ca.gov/about-us/who-we-are/>> (as of Feb.13, 2026).
- 20 This guide uses the term “worker” in reference to those who report labor law violations to the Labor Agencies, who participate in the Labor Agencies’ enforcement activities (including as a witness, union representative, or non-attorney representative appearing on behalf of a claimant, and who contact the Labor Agencies to learn more about their labor rights and how to enforce them. The term “worker” is not intended to refer to employees of the Labor Agencies.
- 21 Public employers, including the Labor Agencies, have state and federal obligations based on their status as employers that this guide does not reach. For example, Assembly Bill (AB) No. 450 (2017-2018 Regular Session) prohibits an employer, or a person acting on behalf of the employer, from providing voluntary consent to an immigration

enforcement agent to access, review or obtain the employer's employee records without a subpoena or judicial warrant, unless certain exceptions apply. (Gov. Code, § 7285.2, subd. (a)(1).) Employers should ensure that all of their policies are consistent with applicable state and federal law.

22 See Gov. Code, § 7285, subd. (a); Lab. Code, § 1171 .5, subd. (a).

23 Lab. Code, § 1171 .5, subd. (b).

24 Lab. Code, § 3351, subd. (a).

25 See *Sure-Tan, Inc. v. NLRB* (1984) 467 U.S. 883, 892 (undocumented immigrants are employees under the NLRA).

26 *Rivera v. NIBCO, Inc.* (9th Cir. 2004) 364 F.3d 1057, 1065 (denying defendants' request to discover plaintiffs' immigration status as unduly burdensome and contrary to the public interest in enforcing employment discrimination laws) ("Granting employers the right to inquire into workers' immigration status in cases like this would allow them to raise implicitly the threat of deportation and criminal prosecution every time a worker, documented or undocumented, reports illegal practices or files a Title VII action. Indeed, countless acts of illegal and reprehensible conduct would go unreported").

27 Lab. Code, § 1019.

28 *Ibid.*

29 Lab. Code, § 244, subd. (b).

30 Div. of Labor Standards Enforcement, *Enforcement Policies and Interpretations Manual* (Dec. 2020) <https://www.dir.ca.gov/dlse/dlsemanual/dlse_enfmanual.pdf> at p. 17-2 (as of Feb. 20, 2026).

31 Bus. & Prof. Code, § 494 .6, subd. (a) .

32 Bus. & Prof. Code, § 6103 .7.

33 Lab. Code, § 1171 .5, subd. (b) .

34 8 U.S.C. § 1373 also provides that no federal, state, or local government entity can be prohibited or restricted from maintaining information regarding an individual's immigration status, or exchanging this information with any other federal, state or local government entity. (8 U.S.C. § 1373 (b)(2)-(3).)

35 *Illinois v. Noem* (D.R.I., Dec. 22, 2025, No. 1:25-CV-00495-MSM-PAS) 2025 WL 3707011(26-1182, app. pending).

36 Lab. Code, § 1550 et seq.

37 Lab. Code, § 1553, subd. (a)

38 Lab. Code, § 1553, subds. (c), (e)

39 Lab. Code, § 1555, subd. (a)

40 Lab. Code, § 1558, subd. (d) (1), (2)

41 Gov. Code, § 7285 et seq.

42 Gov. Code, § 7285 .1, subd. (a) .

43 *Ibid.*

44 *Id.*, subd. (c) .

45 *People v. Aguilar* (1996) 48 Cal.App.4th 632, 639 citing *Bumper v. North Carolina* (1968) 391 U.S. 543, 548–549 and *People v. Llamas* (1991) 235 Cal.App.3d 441, 446–447.

46 Lab. Code, § 90.2.

47 Benjamine C. Huffman, Acting Secretary, U.S. Department of Homeland Security, Memorandum re Enforcement actions in or Near Protected Areas (Jan. 20, 2025), 1 (superseding and rescinding DHS's October 27, 2021 Guidelines for Enforcement Actions in or Near Protected Areas).

48 Under the former policy, immigration enforcement actions could take place at protected areas only when either: (a) prior approval was obtained from Agency headquarters or delegate; or (b) there were exigent circumstances necessitating immediate action without prior approval. Alejandro N. Mayorkas, Secretary, Department of Homeland Security, Memorandum re Guidelines for Enforcement Actions in or Near Protected Areas (Oct. 27, 2021), 3-4. Enforcement actions within the policy's scope included such actions as arrests, civil apprehensions, searches, inspections, seizures, service of charging documents or subpoenas, interviews, and immigration enforcement surveillance. Alejandro N. Mayorkas, Secretary, Department of Homeland Security, Memorandum re Guidelines for Enforcement Actions in or Near Protected Areas (Oct. 27, 2021), 4.

49 Benjamine C. Huffman, Acting Secretary, U.S. Department of Homeland Security, Memorandum re Enforcement Actions in or Near Protected Areas (Jan. 20, 2025).

50 Caleb Vitello, Acting Secretary, U.S. Immigration and Customs Enforcement, Memorandum re Common Sense Enforcement Actions in or Near Protected Areas (Jan. 31, 2025), 2.

51 See, e.g., Canizares, *Minneapolis parents, teachers demand ICE leave after targeting schools* (Jan. 16, 2026) Minnesota Spokesman-Recorder <<https://spokesman-recorder.com/2026/01/16/ice-at-minneapolis-schools/>> (as of Apr. 29, 2026); Ibarra and Hwang, *ICE is suddenly showing up in California hospitals. Workers want more guidance on what to do* (Aug. 26, 2025) Cal Matters <<https://calmatters.org/health/2025/08/immigration-hospitals-workers-fear/>> (as of Apr. 29, 2026).

52 Gov. Code, § 7285 .1.
53 *Noem v. Vasquez Perdomo* (2025) 146 S.Ct. 1, 2.
54 *Ibid.*
55 See 8 C.F.R. § 287.5
56 See 8 C.F.R. §§ 241.2, 241.32
57 *Arizona v. United States* (2012) 567 U.S. 387, 407.
58 See 8 C.F.R. § 287.4(a).
59 For example, the Labor Commissioner’s office has posted such a sign that reads: “Only individuals seeking assistance or information from the Labor Commissioner about state labor laws, or those filing or involved in a claim or investigation before our agency (including parties, witnesses, representatives, family members, or persons assisting an individual with a claim), may enter this office. Solicitation is prohibited. Any person whose presence would interfere with agency proceedings is not permitted to enter this office.”
60 For information about who may represent individuals in immigration proceedings, see U.S. Department of Justice, *Can Someone Represent You Before EOIR?*, available at <https://www.justice.gov/eoir/can-someone-represent-you-eoir> (as of Apr. 29, 2026).
61 See Lab. Code, § 1171.5; 8 U.S.C. § 1373, subds. (a), (b).
62 Lab. Code, § 138 .7, subd (a).
63 *Ibid.*
64 *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal .4th 1178, 1212.
65 Lab. Code, § 138 .7, subd. (b)(5)(A).
66 *Id.*, subd. (b)(5)(B).
67 *Id.*, subd. (b)(5)(C).

Appendix A

Immigration and Customs Enforcement "Arrest Warrant" (Form I-200)

U.S. DEPARTMENT OF HOMELAND SECURITY	Warrant for Arrest of Alien
File No. _____ Date: _____ To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon: ☐ the execution of a charging document to initiate removal proceedings against the subject; ☐ the pendency of ongoing removal proceedings against the subject; ☐ the failure to establish admissibility subsequent to deferred inspection; ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law. YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien. _____ (Signature of Authorized Immigration Officer) _____ (Printed Name and Title of Authorized Immigration Officer)	
Certificate of Service I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) on _____ on _____, and the contents of this (Name of Alien) (Date of Service) notice were read to him or her in the _____ language. (Language) _____ Name and Signature of Officer _____ Name or Number of Interpreter (if applicable)	

Form I-200 (Rev. 09/16)

Appendix B

Immigration and Customs Enforcement “Removal Warrant” (Form I-205)

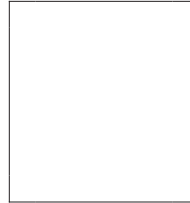
DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement WARRANT OF REMOVAL/DEPORTATION	
File No: _____ Date: _____	
To any immigration officer of the United States Department of Homeland Security:	
_____ (Full name of alien)	
who entered the United States at _____	on _____
(Place of entry)	(Date of entry)
is subject to removal/deportation from the United States, based 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, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:	
_____ (Signature of immigration officer)	
_____ (Title of immigration officer)	
_____ (Date and office location)	
ICE Form I-205 (8/07)	Page 1 of 2

To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of immigration officer)

Appendix C

Federal Search and Seizure Warrant (Form AO 93)

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of _____)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No. _____
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good 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 where the property was taken.

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)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)
☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____ Judge's signature _____

City and state: _____ Printed name and title _____

Federal Arrest Warrant (Form AO 442)

35

Appendix E

Department of Homeland Security Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding) (File Number, if Applicable)	
By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:	
(A) ☐ APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.	
(B) ☒ PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.	
Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).	
3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time ☒ a.m. ☐ p.m.
Telephone Number	
4. Records required to be produced for inspection	
5. Authorized Official	
(Signature)	
(Printed Name)	
(Title)	
(Date)	



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form I-138 (6/09)

Appendix F

Federal Judicial Subpoena (Form AO 88B)

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the

Plaintiff

v.

Defendant

Civil Action No. _____

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: _____
(Name of person to whom this subpoena is directed)

☐ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place:	Date and Time:
--------	----------------

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

_____ <i>Signature of Clerk or Deputy Clerk</i>	_____ <i>Attorney's signature</i>
--	--------------------------------------

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____, who issues or requests this subpoena, are: _____

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Appendix G

Notice to Appear (Form I-862)

U.S. Department of Homeland Security		Notice to Appear
In removal proceedings under section 240 of the Immigration and Nationality Act:		
Subject ID: _____	FINS: _____	File No: _____
	DOB: _____	Event No: _____
In the Matter of: _____		
Respondent: _____		currently residing at: _____
(Number, street, city and ZIP code)		(Area code and phone number)
☐ 1. You are an arriving alien. ☐ 2. You are an alien present in the United States who has not been admitted or paroled. ☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.		
The Department of Homeland Security alleges that you:		
☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(ii)		
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:		

(Complete Address of Immigration Court, including Room Number, if any)		
on _____	at _____	to show why you should not be removed from the United States based on the
(Date)	(Time)	
charge(s) set forth above.		

		(Signature and Title of Issuing Officer)
Date: _____		_____
		(City and State)
See reverse for important information		
Form I-862 (Rev. 08/01/07)		

Appendix H

Quick Reference Guide for Labor Agencies' Staff

What Should You Do if an Immigration Enforcement Officer Comes to Your Labor Agency?

1. As soon as possible, notify the designated labor agency administrator (the person tasked with responding to immigration enforcement actions at the labor agency) of any request (including subpoenas, petitions, complaints, warrants, or court orders) by an immigration enforcement officer to access a labor agency or any request for the review of [labor agency] documents.
2. Advise the officer that before proceeding with his or her request, you must first notify and receive direction from a designated labor agency administrator.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the telephone number of the officer's supervisor.
4. Ask the officer to explain the purpose of the officer's visit, and note the response.
5. Ask the officer to produce any documentation that authorizes labor agency access.
6. Make copies of all documents provided by the officer.
7. Decline to answer questions posed by the officer and direct him or her to speak to the designated labor agency administrator.
8. State that the labor agency does not consent to entry of the facilities or portions thereof.
9. Without expressing consent, respond according to the requirements of the documentation. If the officer has:
 - ✓ An ICE administrative "warrant" (see samples in Appendix, items A & B): Immediate compliance is not required. Inform the officer that the labor agency cannot respond to the warrant until after it has been reviewed by a designated administrator. Provide a copy of the warrant to the designated administrator as soon as possible.
 - ✓ A federal judicial warrant (either a search-and-seizure warrant or an arrest warrant; see samples in Appendix, items C & D): Prompt compliance usually is required, but where feasible, consult with legal counsel before responding.
 - ✓ A subpoena for the production of documents or other evidence (see samples in Appendix, items E & F): Immediate compliance is not required. Inform the officer that the labor agency cannot respond to the subpoena until after it has been reviewed by a designated administrator. Give your copy of the subpoena to the designated administrator or legal counsel as soon as possible.
 - ✓ A notice to appear (see sample in Appendix, item G): This document is not directed at the labor agency. There is no obligation to deliver this document or facilitate service to the person named in the document. If you get a copy of the document, give it to your designated labor agency administrator as soon as possible.
10. Document the officer's actions in as much detail as possible after he or she enters labor agency premises, but without interfering with the officer's movements.
11. If the officer orders staff to provide immediate access to facilities, comply with the officer's order and also immediately contact a designated administrator. Do not attempt to physically interfere with the officer, even if the officer appears to be acting without consent or appears to be exceeding

the purported authority given by a warrant or other document. If an officer enters the premises without authority, [labor agency] personnel shall simply document the officer's actions while at the facility.

12. [Labor agency] staff should document the officer's actions while in [labor agency] premises in as much detail as possible, but without interfering with the officer's movements.
13. [Labor agency] staff should complete an incident report that includes the information gathered as described above and the officer's statements and actions.