Community Action Team, Inc.

Government Immigration Enforcement Policy

Oregon is a Sanctuary State for immigration enforcement purposes. This means public entities may not assist, participate or provide any information to federal ICE agents seeking to arrest and deport persons not lawfully eligible to be in the United States. While CAT is not subject to the Sanctuary Law it is not immune to potential immigration enforcement actions. This Government Immigration Enforcement Policy is to give CAT Team Members guidance on how to handle a government agency's contact that seeks to access CAT properties or employment records.

This policy has three main purposes:

1. Protect the safety and privacy of all staff, clients, and visitors while conducting or participating in any CAT sponsored activity.
2. Protect the records and official documents of CAT, its staff, clients, and visitors.
3. Provide appropriate instructions to staff on how to handle immigration enforcement actions by Immigration & Customs Enforcement ("ICE"), law enforcement, or other government official's appearance at a CAT facility that seeks to access CAT employee records, to locate an employee or visitor on CAT property, other CAT official records, or other information that contains the name, address, contact information (phone or email), or date of birth of staff, clients, or visitors.

This policy is not meant to prohibit lawful entry by government officials conducting activities that are not related to immigration enforcement and deportation.

Each CAT facility is divided into public and private spaces. Generally, any CAT office, breakroom, classroom, conference room, and storage area are designated as a private space. Private CAT spaces are for the purpose of conducting CAT business and require CAT permission to enter or remain in such a private area. Generally, the CAT facility parking lot, sidewalk, and reception areas are designated as a public space. Public spaces do not require CAT permission to enter but this permission is not absolute if the individual or group is disruptive or presents an immediate danger to staff, clients, or other visitors.

There are three types of government immigration activities which may occur. Each type of government immigration activity is discussed and directions for administrative handling is provided below and accompanying Appendices A, B, & C attached:

A. CAT receives a notice letter from ICE stating that it is conducting a Form I-9 audit of CAT employee records. Appendix A.
B. CAT receives a notice letter from the US Department of Labor ("DOL") with a request to inspect the payroll records, including the Form I-9. Appendix B.
C. ICE, or another law enforcement agency, appears at any CAT site unannounced and demands immediate access to the CAT facility to search for anticipated persons not authorized to be present in the U.S. Appendix C.

See the following pages for specific instructions.

APPENDIX A
ICE AUDIT OF EMPLOYMENT AUTHORIZATION AND VERIFICATION FORMS
(Form I-9)

The Immigration and Customs Enforcement ("ICE") agency regularly conducts a very small number of audits of employers' Form I-9 records. These audits generally begin with the employer receiving a letter requesting that the Employer send the Form I-9 documents to ICE. Should CAT receive such a letter the following policy provides how CAT should respond.

1. The letter should be directed to the Executive Director ("ED") or designee for administrative handling.
2. The ED or designee should contact CAT's attorney as soon as possible for legal advice on how to proceed.
3. The ED or designee should meet with the H/R manager or person that administers Form I-9 for CAT.
    a. The ED should request that the H/R manager or designee conduct a self-audit of CAT's Form I-9 documents to ensure that there is a Form I-9 for each person employed by CAT during the period of time reflected in the ICE letter (Note: Generally the ICE letter will ask for all Form I-9 documents for the prior three years from the date of the letter.).
    b. In consultation with CAT's attorney CAT will make a copy of each Form I-9 that will be sent to ICE. A copy of the Form I-9 documents will also be sent to CAT's attorney.
4. The purpose of the ICE audit is to ensure compliance with the Employment and Verification obligation CAT has in the hiring and retaining employees.
5. There is no need to advise employees that an ICE audit is being conducted.
6. Once ICE has completed its review of the Form I-9 documents they may request a sit-down meeting with CAT personnel. The ED or designee, H/R manager or designee, and any other person that completes the Form I-9 on behalf of CAT should be in that meeting. CAT may also wish to have its attorney present for this meeting.
7. After completion of the ICE audit, CAT should make appropriate corrections or changes to the Form I-9 process as recommended by ICE.

In some limited situations, an ICE official will present themselves at a CAT facility and demand immediate access to Form I-9 records. In such an instance, the following policy should be followed:

1. The receptionist, or other employee first contacted, should advise the ICE official that they are not authorized to speak on behalf of CAT and that they must speak with the ED. The ED or designee should be immediately contacted for administrative action and response.
2. The ED or designee should ask for the ICE official's name, title, and contact information. Asking for the ICE official's business card is appropriate.
3. The ED or designee should ask whether the ICE official has a subpoena or court order requiring immediate access to the requested Form I-9 records and request a copy. The ED or designee should then make a copy of the subpoena or court order.
    a. If there is no subpoena or court order, the ED or designee should advise that CAT will exercise its right to a 72-hour period before granting access to the Form I-9 records. The ED or designee should then make an appointment for three (3) days later to meet again with the ICE official and to make the Form I-9 documents available.
4. The ED or designee should contact CAT's attorney for instructions on how to proceed. A copy of the subpoena or court order should be faxed or scanned and sent to the attorney.
5. During the 72-hour period, CAT should follow the instructions its attorney for how to review, process and produce the Form I-9 records requested.
    a. A copy of the requested Form I-9 and any other requested documents should be made. The ICE official will expect to review the original Form I-9 documents and may leave the facility with the originals so CAT must retain a copy.
6. At the time of the appointment, the ED or designee and the person administering the Form I-9 process for CAT, should meet with the ICE official. All requested Form I-9 records, along with any other requested documents should be available for review.
    a. If the ICE official wants to leave the CAT facility with the original Form I-9 documents obtain confirmation that the ICE official will return the originals and a potential return date.
7. After ICE has completed the audit of CAT's Form I-9 documents, the ICE official will conduct a closing meeting with CAT. The ED or designee and the person who administers the Form I-9 process should plan to participate in this closing meeting. CAT may also have its attorney present, especially if CAT believes that it will be subject to any penalties.

APPENDIX B

U.S. DEPARTMENT OF LABOR ("USDOL") WAGE RECORDS AUDIT

From time to time, the US DOL will request to review and audit an employer's wage records and their Form I-9 documents. While this is a very infrequent situation it does occur and this policy provides how CAT should respond to such a request.

1. Generally, this request will arise by or through a letter to CAT requesting that the USDOL representative be contacted and a time for an appointment set.
2. The letter should be directed to the Executive Director ("ED") or designee for administrative handling.
3. The ED or designee should review the letter and determine whether consultation with its attorney is necessary.
    a. In most cases, it is recommended that CAT's attorney be contacted and provided with a copy of the USDOL letter.
    b. CAT's attorney will advise the ED or designee how to proceed and may attend the opening meeting with the USDOL official.
4. The ED or designee will contact the US DOL official to arrange the time and date of the planned meeting. This is considered the opening meeting.
5. During the opening meeting, the USDOL official should be requested to present its business card or other identification document. CAT should have all of the original records requested, possibly including the Form I-9 records ready for review. Prior to the meeting, CAT should have made a copy of the original documents in case the USDOL official requests to leave the facility with the original documents. It is possible that the USDOL official will accept a copy of the original documents.
6. At the conclusion of the USDOL's audit, a closing meeting will be held. Again, the ED or designee should be present and participate in the closing meeting. CAT's attorney may also be present, if CAT believes it may be subject to fines and penalties.
7. Following the closing meeting, CAT shall take appropriate action to correct any deficiencies identified by the US DOL official.

APPENDIX C
INTERNAL PROCESS: UNANNOUNCED VISITS FROM GOVERNMENT OFFICIALS

Given the sensitive nature of CAT's work, it is possible that government officials representing federal, state, or local agencies may arrive at our sites unannounced. Examples of government officials include, but are not limited to, Immigration and Customs Enforcement ("ICE"), US Marshalls, and local law enforcement officials. This policy provides guidance to CAT employees on how to respond to an unannounced visit from a government official.

1. Safety of CAT facilities, personnel, visitors and clients is our paramount responsibility. Therefore, do not attempt to physically interfere with any enforcement action by ICE/US Marshalls or local law enforcement.
2. Remember that CAT has designated public and private spaces in all of its facilities.
    A. Generally, the front office or reception area is designated as a public space, as well as the parking lot and sidewalk outside any CAT facility.
    B. Generally, all offices, breakrooms, conference rooms, classrooms, and storage areas are designated private spaces. These private areas require permission or accompaniment by a CAT employee to enter such private areas.
3. Handle all interactions with ICE or other government officials calmly and professionally. Respectfully ask the ICE or other government official to provide you with their name and badge number, as well as requesting a business card.
4. Ask the ICE or other government officials if they have a search warrant or court order and, if so, request the document. Make a copy of the search warrant or court order.
5. Advise the ICE or other government officials that you are contacting the Executive Director or designee who will assist them and request that they remain in the public area of the facility. Do not permit them access to the private areas of the facility.
6. Remember all information is to remain confidential as per the CAT Employee Handbook and Personally Identified Information Policy, including any details regarding immigration status or concerns.
7. Review the search warrant, arrest or seizure warrant, or other court order carefully. Read it calmly and fully.
    A. <u>"Search Warrants"</u> (for searching the premises) must include:
        A. The location address.
        B. A date within 14 days of the current date.
        C. A judge or court's signature – NOT a signature from the Department of Homeland Security or Immigration Office.
    B. <u>"Arrest or Seizure Warrants"</u> (for arresting or seizing a particular identified person – but generally does not allow extensive searching) must include:
        1. The location address.
        2. A date within 14 days of the current date.
        3. A judge's signature – NOT a signature from the Department of Homeland Security or an Immigration Office.

C. The name of the person they are arresting/seizing.

8. With or without a valid warrant, if they insist on entering the building, say:
    A. "WE DO NOT CONSENT to a search. Our staff will not talk or release people or children from our care to you without speaking to a lawyer."
        1. Call the Executive Director: [insert number].
        2. If they enter without a valid warrant, also call 911.
        3. Stay with the law enforcement agents to the best of your ability to monitor the situation. Instruct staff to stay silent and not interfere with the search.
        4. Film and/or take pictures if able to do so.
        5. Do not sign anything.
    B. If a valid "Arrest or Seize Warrant" is produced:
        1. Follow the same steps above AND:
        2. You do NOT have to say if that employee is working on that day or not; nor if a child or parent is present.
        3. You do NOT have to take the ICE agents to locate any employees, children or parents – at work or not.
        4. Do not sign anything.

9. After the encounter, Write a statement about the interaction, attach any law enforcement business cards, and submit to your supervisor asap:

    A. Statements should include:
        1. The approximate time the incident occurred and/or you were notified.
        2. The number of ICE agents present (inside and outside).
        3. How the agents were dressed.
        4. How the agents were armed.
        5. If the agents made you or your workers believe you could not move or leave.
        6. If the agents mistreated anyone and a description/explanation.

If photos or videos were taken of the incidents (attach if possible)