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Know Your Rights Dealing with ICE: A Compliance Guide to Immigration Enforcement

ICE has a goal of 3,000 arrests a day, which could mean thousands in fines and criminal charges for you.

In 2017, the Department of Homeland Security (DHS) levied a \$95 million dollar fine and brought criminal charges against a tree pruning and vegetation management company for employing undocumented workers. U.S. Immigration and Customs Enforcement (ICE) can conduct unannounced site inspections and Form I-9 audits to levy fines and charges for violations and documentation errors. Fines can rack up even if all of your workers are U.S. citizens. In 2025, the Trump administration increased the cap on fines for Form I-9 paperwork violations, employing unauthorized workers, and unfair immigration-related employment practices. Some violations could now pull fines of up to \$28,619 per offense. **For your business to survive, you must be in full compliance with the vast web of ever-changing immigration laws.**

What Should I Do to Prepare for and if ICE Visits My Business?

Have a Designated Contact Person

- Before ICE arrives on the premises of your business, make sure that you have a designated contact person who is prepared to meet with ICE agents, determine the scope of the agents' authority to search the premises, and retain calm control of the situation.
- Ideally, this person should have legal training on your business's rights and law enforcement officers' limitations.

Clearly Mark Areas Not Open to the Public as Private

When ICE arrives, the officers may be limited to only entering areas already open to the public. If private areas are accessible via a public space and without clear markings, ICE may enter and begin searching those areas. To prevent unexpected searches and potential arrests or seizures of evidence in these areas, clearly mark them as private.

Ask to See the Warrant or Notice of Inspection

When ICE arrives, always ask to see their warrant or, in the case of an I-9 audit, their Notice of Inspection. Check that the warrant is

- issued by a judicial court;
- signed by a judge;
- made for the specific address they are seeking to search; and
- being executed within the time period specified on the warrant.

If any of these items are missing, you are likely able to politely ask the agents to leave and refuse to comply. Further, ICE's search warrant is likely limited to certain documents or areas of the premises. **If valid, allow the agents access only to what is specified in the warrant.**

Know the Difference Between Enforcement Documents

ICE may arrive with a search warrant or an immigration warrant. An immigration warrant is issued by DHS for the arrest or deportation of a specific individual. These warrants do not allow agents access to your private premises, and you may likely be able to politely ask them to leave and refuse to comply.

How Can I Be Sure My Business Is Protected?

When in doubt, seek help to prevent the worst-case scenario.

Experienced legal professionals can help train your employees and advise your business on the best defensive strategies and practices to protect what you have worked so hard to build. Frost Brown Todd's team of seasoned immigration and business law attorneys can help your business to proactively remedy any documentation issues, while helping your employees learn their rights in the event of an unannounced ICE inspection and avoid unknowingly accruing costly violations against your business. Don't hesitate to contact the authors of this article if you have questions or need assistance with immigration and enforcement matters.

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