

GROWERTALKS

JZ on D.C.

4/1/2025

Steps on How to Handle ICE Visits

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With the increase of U.S. Immigration & Customs Enforcement (ICE) visits to businesses and communities around the country, a reader suggested we share some guidelines to help you understand how to handle these situations professionally and lawfully. For those who use H-2A, the chance of a scenario where ICE would need to be involved is less, but it's always a good reminder to make sure that all of your employee records are up to date and in compliance with federal and state regulations.

The following guidelines have been compiled from local Chicagoland businesses who have a large Latino staff, but please keep in mind that these are just guidelines, not legal advice—always consult your attorney for specific guidelines. If you don't currently have an attorney for your business on retainer, AmericanHort's premium members have access to JPH Law for legal counsel. Learn more at americanhort.org/advocacy/jph-law.

1. Stay calm and professional

- ICE visits can be stressful, but encourage all employees to remain calm.
- Assure employees that your company is compliant with all employment laws.

2. Do not grant immediate access

- ICE cannot enter non-public areas without a judicial warrant (signed by a judge).
- Clearly distinguish between public areas (e.g. parking lot, reception, lobby) and private areas (e.g. workspaces, offices, breakrooms). Restrict access to private areas to employees only.
- If ICE arrives, politely ask for a copy of the warrant and verify its legitimacy before allowing access.

3. Know the difference in warrants

- Judicial Warrant (court-issued): Required for ICE to enter non-public areas.
- Administrative Warrant (ICE-issued, Form I-200/I-205): Does NOT grant permission to enter.
- If ICE is asking to search anything beyond the limitations of the warrant in possession, verbally state they do not have consent to search.

4. Know the difference between Inspections and Raids

- Inspections: Intended to audit I-9 records; will have advance notice; HR must lead the response.
- Raids: Intended to detain undocumented workers; no warning, ICE requires a warrant.

5. Direct ICE to your HR manager or another designated company representative

- They are the only ones who should communicate with ICE.

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

6. Do not provide employee records without proper authorization

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

7. Ensure employee rights are protected

- Employees have the right to remain silent and do not need to answer ICE questions or sign documents.
- Employees should verbally assert their rights:
 - “I am asserting my right to remain silent.”
 - If questioning continues: “I am asserting my right to call my attorney.”
- Employees are not required to show documents beyond what was already provided for employment verification.
- Employers are NOT obligated to help ICE identify, locate or sort employees by nationality.

8. Communicate with employees

- If ICE arrives, reassure employees that the company is following legal protocols.
- Avoid speculation and unnecessary panic—provide only factual updates.

9. Contact legal counsel immediately

- Designated company representatives/HR should be notified as soon as ICE arrives or I-9 audit is received to ensure proper handling.
- Do not consent to searches or provide information without legal review.

10. After the ICE visit ...

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

Industry Organizations Respond to Proposed Tariffs

AmericanHort, in collaboration with several industry associations, submitted five letters to Congress and the Administration in February expressing significant concerns after the announcement about the implementation of a 25% tariff on Canadian goods, specifically targeting sphagnum peat moss.

The five letters were addressed to the House and Senate Agriculture Committees, the House Ways and Means Committee, the Senate Finance Committee, President Trump and Vice President Vance. These letters were signed by AmericanHort, the American Mushroom Institute, International Fresh Produce Association, National Association of Landscape Professionals and National Christmas Tree Association.

“Peat moss is a vital input to our members’ operations and the horticultural industry,” said Matt Mika, Vice President of Advocacy & Government Affairs at AmericanHort. “With production costs already high, imposing additional costs would further drive up input and operational expenses, placing a significant financial strain on our industry.”

The proposed tariff threatens to increase production costs for horticulture growers nationwide, potentially resulting in increased consumer prices of certain food products and greenhouse plants.

The letters highlight the economic impact of such tariffs. The North American sphagnum peat moss industry is predominantly based in Canada, with 85% of its production exported to the U.S. This accounts for 96% of American

sphagnum peat moss imports.

The U.S. horticultural industry potentially impacted by the proposed tariff contributes approximately \$527 billion annually to the U.S. economy. Given the limited commercially viable U.S. peatlands, growers rely heavily on imports of peat-based products. The imposition of tariffs could severely impact national food security and economic stability.

In the letters, AmericanHort also urged exclusion of sphagnum peat moss and peat-based products from any proposed tariffs or grant a “critical mineral” status thereby reducing the tariff rate to 10%. They noted that recognizing sphagnum peat moss as a critical resource is essential for maintaining horticultural stability, economic competitiveness and national food security.

The American Seed Trade Association (ASTA) President and CEO Andy LaVigne also issued a statement on the news of additional tariffs imposed between the United States and its trading partners.

“As we approach the start of another planting season, American farmers and the seed companies that support them are facing a difficult economic landscape, as the costs of agricultural production continue to rise and the global market landscape continues to shift. The news of additional tariffs, as well as expected retaliatory tariffs, introduce significant uncertainty that will negatively impact those who help grow the food, feed, fiber and fuel for millions of American families,” Mr. LaVigne, said.

His statement continued: “The ability to move seed internationally is a fundamental component of the years-long research and development pipelines that allow U.S. farmers to have access to the best seeds and agricultural innovations in the world. Plant breeders rely on trade to expedite crop improvement, test-drive new crop varieties in specific environments, and conduct critical functions to increase volumes of seed in a clean and efficient way—all before those seeds can be sold to farmers. Many aspects of this seed research, development and production cannot be relocated, and tariffs could increase costs for farmers producing many important commodities.

“We encourage the Trump Administration to quickly come to a resolution with our trading partners that benefits both our national security and our food security.”

News, views, commentary and event coverage about the policies and legislation that directly affect our industry. Share your thoughts, opinions and news with me: jzurko@ballpublishing.com.