

A Practical Guide For Small Business Owners And Employers In Indiana

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Why is the Indy Chamber providing this resource?

The Indy Chamber recognizes that business owners and employees may have questions about what to do if U.S. Immigration and Customs Enforcement (ICE) or another federal immigration agency comes to their workplace.

This guide provides general information to help businesses **prepare, understand their rights and responsibilities, and respond calmly and appropriately** if immigration officials arrive at a workplace.

This resource is intended for educational purposes only. **It is not legal advice and does not create an attorney-client relationship.** Immigration and employment laws can change, and individual circumstances vary. Businesses should consult a qualified immigration or employment attorney for advice about their specific situation.

BEFORE ICE ARRIVES

1. Should my business have a plan?

Yes. Having a written workplace response plan can help you and your employees respond calmly and consistently.

Consider:

- Designating one or more people who are authorized to respond to government officials.
- Identifying which areas of your business are public and which are private.
- Training managers and front-desk employees on your response procedures.
- Keeping the contact information for your attorney in an accessible location.
- Making sure employees know who is authorized to speak on behalf of the company.
- Maintaining your employment and Form I-9 records properly.
- Establishing a process for preserving security-camera footage and other records if an enforcement action occurs.

The National Immigration Law Center recommends that employers create a written response plan and train employees before an immigration action occurs. ([NILC](#))

2. Should I identify private areas of my business?

Yes.

Businesses should clearly identify areas that are not open to the public. Depending on your business, these could include:

- Employee-only offices
- Break rooms
- Storage areas
- Warehouses
- Kitchens
- Back offices
- Employee parking areas
- Other restricted-access areas

Consider using signs such as **“Private – Employees Only”** and keeping doors closed or locked when appropriate.

Having clearly defined private areas can help employees and visitors understand where public access ends and restricted access begins.

IF ICE COMES TO YOUR BUSINESS

3. What should I do first if ICE agents arrive?

Stay calm. Do not physically interfere with the officers.



Ask the officers:

1. Who are you?
2. Which agency are you with?
3. Why are you here?
4. Do you have a warrant or other legal document?

Designate one person to communicate with the officers whenever possible.

You may say:

“I am the person responsible for the business. May I see your identification and the documents authorizing your presence here?”

Contact your attorney as soon as possible.

4. Can ICE enter the public areas of my business?

Generally, **members of the public, including government officials, may enter areas of a business that are genuinely open to the public.**

Examples could include:

- A restaurant dining area
- A retail sales floor
- A public lobby
- A reception area
- A public parking area

However, simply being in a public area does **not automatically give ICE authority to search private areas or take other actions beyond what the law permits.** ([NILC](#))

5. Can ICE enter private areas of my business?

This is one of the most important distinctions for business owners.

Do not voluntarily consent to entry into a private area without first consulting your attorney, unless you are required to comply with a valid warrant or other legal authority.

An administrative immigration warrant issued by DHS/ICE is different from a judicial warrant signed by a judge.

An administrative warrant generally does not, by itself, authorize ICE to enter a private workplace without consent. ([NILC](#))

If an agent asks to enter a private area, you can say:

“That is a private area. I do not consent to entry. May I see the warrant?”

Do not physically block officers or interfere with their actions.

UNDERSTANDING WARRANTS

6. What is the difference between an administrative warrant and a judicial warrant?

This distinction is important.

Administrative/immigration warrant

- Generally issued by an immigration agency such as ICE/DHS.
- May be signed by an immigration officer or other authorized official.
- Common forms include **I-200** and **I-205**.
- An administrative warrant is not the same as a warrant issued by a court.
- An administrative warrant generally does not authorize ICE to enter private areas of a workplace without consent. ([NILC](#))

Judicial warrant

- Issued by a court.
- Signed by a judge or magistrate.
- May authorize a search or other law-enforcement action depending on what the warrant says.

- The warrant should identify the location and/or persons or property covered by the order. ([NILC](#))

Important: Determining whether a particular document authorizes ICE to enter or search your workplace can be legally complicated. If possible, contact your attorney immediately.

7. Should I ask to see the warrant?

Yes.

If officers present a warrant or other legal document:

- Ask for a copy.
- Read it carefully if circumstances permit.
- Contact your attorney.
- Check the address or location listed.
- Check what areas, people, records, or property the document covers.
- Do not voluntarily consent to anything beyond what the document legally requires.

If you have questions about the validity or scope of the warrant, **do not physically interfere with the officers**. State that you do not consent to any search beyond what the warrant authorizes and contact your attorney.

8. What if ICE has an administrative warrant with the name of an employee?

Do not assume that an administrative warrant gives ICE permission to enter private areas of your business.

You generally do not have to volunteer information about an employee's schedule, location, immigration status, or other personal information simply because an agent asks for it.

However, the exact circumstances matter. **Contact your attorney before responding to requests for employee information whenever possible.**

WHAT SHOULD EMPLOYEES DO

9. What should I tell my employees?

Employers can prepare employees in advance by explaining:

- Who is authorized to speak with government officials.
- Which areas of the workplace are public and private.
- Where employees should direct ICE agents or other officials.
- That employees should remain calm.
- That employees should not physically interfere with officers.
- That employees generally have constitutional rights, including the right to remain silent in many circumstances and the right to seek legal counsel.

Consider providing employees with information about reputable immigration legal resources.

10. Does an employee have to answer ICE's questions?

Employees generally have the right to **remain silent and ask to speak with an attorney**, although the exact circumstances can vary.

A worker can say:

“I choose to remain silent. I would like to speak with an attorney.”

Employees should not lie or provide false documents.

Employees should also avoid signing documents they do not understand and should request legal advice before signing whenever possible.

11. Should an employee show ICE identification?

The answer can depend on the circumstances and the type of identification being requested.

Employees should not provide false information or false documents. If an employee is being questioned or detained, the employee can generally state that they wish to remain silent and want to speak with an attorney.

Because individual circumstances vary, employees should seek individualized legal advice.

IF ICE CONDUCTS A SEARCH

12. Can I watch or document what happens?

If it is safe and legally permitted, documenting what happens can be useful.

Consider keeping track of:

- The names or badge numbers of officers, if available.
- The agency involved.
- The number of officers present.
- The documents or warrants presented.
- Areas that officers enter or search.
- Items or records that officers take.
- Any instructions officers give.
- The time officers arrive and leave.

Preserve relevant security-camera footage and other business records.

Do not interfere with officers or place yourself or employees in danger while documenting the encounter.

13. What if officers search areas that are not listed in the warrant?

Do not physically interfere.

If you believe officers are exceeding the scope of the warrant, you can calmly state:

“I do not consent to this search, and I object to the search of this area.”

Document what occurs if it is safe to do so and contact your attorney immediately.

Your attorney can determine whether the officers exceeded their legal authority and what steps should be taken afterward.

14. What if ICE asks me to help identify employees by immigration status or country of origin?

Do not attempt to determine employees' immigration status or national origin for ICE.

Employers should not create separate lists of employees based on perceived immigration status, ethnicity, race, or national origin.

If ICE requests employee information, **contact your attorney and follow the instructions of your attorney and any applicable legal process.**

I-9 AUDITS

15. Is an I-9 audit the same thing as an ICE raid?

No.

An I-9 inspection is different from a workplace enforcement action.

During an I-9 inspection, government officials review an employer's Forms I-9 to determine whether the employer has complied with employment eligibility verification requirements.

Employers are required to complete and retain Form I-9 for employees as required by federal law. USCIS states that employers generally must retain Form I-9 for **three years after the employee's date of hire or one year after employment ends, whichever is later.** ([USCIS](#))

An employer should have a process for responding to a **Notice of Inspection** and should consider consulting an attorney before producing records.

16. Should I conduct an internal I-9 audit?

An employer may choose to review its I-9 practices to identify and correct errors.

However, employers should conduct any internal review carefully and consistently and should avoid treating employees differently because of their citizenship, national origin, ethnicity, or perceived immigration status.

Consider consulting an employment or immigration attorney before conducting a large-scale internal audit.

INDIANA EMPLOYERS

17. Does Indiana have additional requirements regarding unauthorized employment?

Yes. Indiana adopted Senate Enrolled Act 76 (SEA 76), which took effect July 1, 2026.

Among other provisions, SEA 76 establishes an enforcement framework under which the Indiana Attorney General may investigate employers suspected of knowingly or intentionally employing unauthorized individuals and may pursue civil enforcement actions. The law also includes a safe-harbor framework related to employer compliance practices. ([Indiana Chamber of Commerce](#))

The Indiana Chamber has advised employers to pay particular attention to:

- Accurate and consistent Form I-9 procedures
- Proper documentation and record retention
- E-Verify where appropriate
- Training HR and hiring personnel
- Written employment-verification policies
- Documenting compliance practices ([Indiana Chamber of Commerce](#))

Important: SEA 76 is separate from the federal rules governing what ICE can do when it comes to a workplace. Businesses should understand both their federal obligations and Indiana requirements.

18. Does SEA 76 mean ICE can enter my business without a warrant?

No.

Indiana's SEA 76 and federal immigration enforcement are separate legal issues.

SEA 76 addresses Indiana's enforcement framework concerning the employment of unauthorized individuals. It does **not mean that every Indiana business must allow ICE or another government agency to enter private areas of the workplace without appropriate legal authority.**

Questions about a specific enforcement action should be directed to qualified legal counsel.

WHAT SHOULD BUSINESSES NOT DO

19. What should I avoid doing if ICE arrives?

Do not:

- Physically interfere with officers.
- Hide employees.
- Help someone evade law enforcement.
- Destroy or alter records.
- Provide false information.
- Provide false or fraudulent documents.
- Lie to government officials.
- Attempt to determine an employee's immigration status based on appearance, language, ethnicity, or nationality.
- Consent to a search without understanding what you are consenting to.
- Ask employees for additional immigration documents that are not required by law.
- Treat employees differently because of their perceived immigration status.

When in doubt, **pause, remain calm, and contact your attorney.**

PREPARE YOUR BUSINESS NOW

20. What should I do before anything happens?

Use this checklist:

- ☐ Identify a primary person responsible for responding to government officials.
- ☐ Identify a backup person.
- ☐ Identify public and private areas of your workplace.
- ☐ Consider clearly marking employee-only/private areas.
- ☐ Create a written immigration-enforcement response plan.
- ☐ Train managers and front-line employees on the plan.
- ☐ Keep your attorney's contact information readily available.
- ☐ Review your Form I-9 procedures.
- ☐ Make sure Forms I-9 are properly completed and retained.
- ☐ Review your hiring and employment-verification procedures.
- ☐ Consider whether E-Verify or another compliance program is appropriate for your business.
- ☐ Establish a process for preserving security footage and other records.
- ☐ Make sure employees know who is authorized to speak on behalf of the company.
- ☐ Consider arranging a workplace "Know Your Rights" training with a qualified legal or community organization

QUICK REFERENCE: IF ICE ARRIVES

STOP → VERIFY → CONTACT → DOCUMENT

STOP

Stay calm. Do not physically interfere.

VERIFY

Ask who the officers are, which agency they represent, and what legal document or authority they have.

CONTACT

Contact the person designated by your business and your attorney.

DOCUMENT

If safe and legally permitted, document what happens and preserve relevant records.

DO NOT CONSENT UNNECESSARILY

Understand what officers are asking for and what legal authority they have before consenting to entry, searches, or release of information.

IMPORTANT RESOURCES

Federal

U.S. Citizenship and Immigration Services (USCIS)

Official information about Form I-9, employment eligibility verification, and employer responsibilities. ([USCIS](#))

National Immigration Law Center (NILC)

A Guide for Employers: What to Do if Immigration Comes to Your Workplace provides employer-focused guidance on I-9 inspections, workplace enforcement actions, warrants, preparation, and employee rights. ([NILC](#))



Immigrant Legal Resource Center (ILRC)

Provides Know Your Rights resources concerning immigration enforcement and warrants.

Public Counsel

Provides a useful small-business and nonprofit immigration-enforcement guide that informed portions of this resource. Some Public Counsel materials contain California-specific information and should not be treated as Indiana law.

Indiana

Indiana Chamber of Commerce

Provides information for Indiana employers concerning SEA 76, compliance practices, and the employment of unauthorized workers. ([Indiana Chamber of Commerce](#))

ACLU of Indiana

Provides Indiana-specific Know Your Rights information concerning immigration enforcement.

A NOTE FROM THE HISPANIC BUSINESS COUNCIL (HBC)

The Hispanic Business Council is committed to helping Hispanic-owned businesses build strong, informed, and resilient businesses.

We encourage business owners to **prepare before an enforcement action occurs**. Having a plan, training your team, maintaining proper employment records, and knowing when to contact an attorney can help your business respond calmly and appropriately.

This resource is provided for general educational purposes only. It is not legal advice. Laws and enforcement practices can change. HBC and the Indy Chamber recommend that businesses consult qualified legal counsel regarding their individual circumstances.

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References & Resources

This resource was developed using publicly available guidance from reputable legal, civil rights, and business organizations, including the **National Immigration Law Center (NILC)**, **Public Counsel**, **ACLU of Indiana**, and the **Indiana Chamber of Commerce**. These resources were consulted for information regarding workplace immigration enforcement, employer responsibilities, warrants, Form I-9 compliance, and Indiana's current immigration-enforcement laws. ([NILC](#))

Additional Resources

- **National Immigration Law Center (NILC)** — *A Guide for Employers: What to Do if Immigration Comes to Your Workplace*. Provides practical guidance for employers preparing for and responding to immigration-related actions in the workplace, including I-9 audits, workplace enforcement actions, warrants, and employer responsibilities. ([NILC](#))
- **Public Counsel** — *FAQs on Nonprofit and Small Business Rights with Respect to Immigration Enforcement (ICE)*. Provides guidance on preparing for and responding to immigration enforcement at a business or workplace. Some information in this resource is specific to California and should not be interpreted as Indiana law. ([Public Counsel | Public Interest Law](#))
- **ACLU of Indiana** — *Know Your Rights: Immigration Enforcement*. Provides Indiana-specific information for individuals, businesses, and community organizations regarding ICE enforcement, warrants, private business areas, and Indiana's evolving immigration laws. ([ACLU of Indiana](#))
- **Indiana Chamber of Commerce** — *What Employers Need to Know About “Safe Harbor” Compliance*. Provides information for Indiana employers regarding Senate Enrolled Act 76 (SEA 76), including its employer compliance and “safe harbor” provisions. ([Indiana Chamber of Commerce](#))
- **U.S. Citizenship and Immigration Services (USCIS)** — *Form I-9 Central*. Official federal resources for employers regarding employment eligibility verification and Form I-9 requirements.

Important: Laws, regulations, and immigration-enforcement policies may change. The information in this resource is provided for general educational purposes only and does not constitute legal advice. The Hispanic Business Council and Indy Chamber recommend that businesses consult a qualified immigration or employment attorney regarding their individual circumstances.