

# Recalibrate: Immigration Policy, Workforce Reality

***In conjunction with Seattle Metro Chamber and  
We Are Washington Employers***

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**PRESENTED BY**

Diane Butler, Chair Immigration Group, Davis Wright Tremaine LLP

# Changing Immigration Landscape: Handling ICE Encounters

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## Focus:

- In the worksite
- At home or in public
- When traveling

# Handling ICE and other immigration encounters

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- Key objectives:
  - Be prepared
  - Have a strategy in place
  - Minimize intrusion to your business



# Who might you encounter?

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## Federal Immigration Enforcement Agencies

- Department of Homeland Security (DHS)
- Immigration & Customs Enforcement (ICE)
- Homeland Security Investigations (HSI)
- Enforcement & Removal Operations (ERO)
- U.S. Citizenship & Immigration Services (USCIS)



# Who might you encounter?

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## Other Law Enforcement

- POLICE
- SHERIFF
- FBI
- DEA (Drug Enforcement Agency)
- AFT (Alcohol Tobacco & Firearms)
- U.S. Marshal Service



# Who might you encounter?

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## Other Enforcement Agencies

- Internal Revenue Service, Criminal Investigations (IRS-CI)
- Social Security Administration (SSA)



# What happens when law enforcement shows up?

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Have your plan in place

Question and observe

- Verify identity
- Ask to see badge, business card, and other documentation to verify identity
- Make a copy of documents



# ICE agents concealing faces

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Federal law *requires* immigration officers to identify themselves when making an arrest.

At the time of the arrest, the designated immigration officer shall, as soon as it is practical and safe to do so:

- (A) Identify himself or herself as an immigration officer who is authorized to execute an arrest; and
- (B) State that the person is under arrest and the reason for the arrest.

8 CFR 278.8(2)(c)(iii)(A) and (B)



# What paperwork to expect

## Administrative Warrant – Don't accept!

- Form I-200, Warrant for Arrest of Alien
- Form I-205, Warrant of Removal/Deportation
- Might be described as “federal” warrant
- Administrative warrant does not obligate any action

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 \_\_\_\_\_ (Name of Alien) on \_\_\_\_\_ (Date of Service), and the contents of this 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)

Since a charging document is also prepared and issued by ICE agents, its existence does not show that any neutral party has found probable cause that the person is subject to deportation.

This warrant is directed at federal immigration officers, not local law enforcement. Federal regulations only provide authority to ICE agents to execute an immigration warrant.

None of these checkboxes indicate that there is probable cause of a crime for which a person could be arrested by local law enforcement officers.

No judge or neutral magistrate is involved in the issuance of an ICE warrant. This warrant does not meet the basic constitutional standard for being a warrant, which is review by a judge.



# What paperwork to expect

## Judicial Warrants: Search & Seizure Warrant

Accept, but carefully review for validity and scope:

- Issued by United States District Court
- Signed by U.S. District Court Judge or U.S. Magistrate Judge
- Only will be addressed to “law enforcement officer”
- Might have an attachment about what to search

AO 93 (Rev. 11/12) 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: \_\_\_\_\_  
City and state: \_\_\_\_\_

Judge's signature \_\_\_\_\_  
Printed name and title \_\_\_\_\_

**To search the premises, officials must have a search warrant. If officials only have an arrest warrant, they do not have authority to search or enter your property**

**Make sure the warrant has your correct name and address**

**Officers are typically only allowed to search the person or property described here, nothing more**

**The search can only be executed at the time indicated here**

**This warrant MUST be signed by a judge to be valid. If it is not signed, you are not required to permit a search**

# What paperwork to expect

## Judicial Warrants: Search Warrant

Take search warrant very seriously

- Review the scope
- Do not consent to access beyond scope
- Contact attorney to plan defense and strategy

UNITED STATES DISTRICT COURT  
for the  
Western District of Washington

ATTEST: WILLIAM M. McCOOL  
Clerk, U.S. District Court  
Western District of Washington  
By [Signature] Deputy Clerk

In the Matter of the Search of \_\_\_\_\_ )  
(Briefly describe the property to be searched )  
or identify the person by name and address) )  
Subject Location 1 at 14320 NE 21st St., Suite 14, )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )

Case No. MJ17-

**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 Western District of Washington  
(Identify the person or describe the property to be searched and give its location):

The subject company A as further described in Attachment A-1, which is attached hereto and incorporated herein by this reference.

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):  
See Attachment B, which is attached hereto and incorporated herein by this reference.

**YOU ARE COMMANDED** to execute this warrant on or before October 13, 2017 (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 any U.S. Magistrate Judge  
(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: Sept 29, 2017  
11:05 AM

City and state: SEATTLE, WASHINGTON

[Signature]  
Judge's signature  
**MARY ALICE THEILER, U.S. MAGISTRATE JUDGE**  
Printed name and title

2016R00055

# Where can ICE go?

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## Public Areas vs. Private or Restricted Areas

- Public: Open to the general public
- Private/restricted:
  - Accessible only by permission
  - Marked with signage and procedures to designate restricted spaces

# Where can ICE go?

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## Public Areas

- Building lobby
- Reception area – if accessible without restriction
- Parking lot
- Performance areas and shopping areas open to the public
- Waiting rooms
- Unrestricted hallways
- Restrooms?



# Where is ICE restricted from going?

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## Private or Restricted Areas

- Private/restricted: ICE may not enter private areas without
  - Valid judicial warrant or
  - Business/employer consent
- Signage and procedures to designate restricted spaces



# Recent examples of ICE worksite encounters

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- Mt. Baker Roofing – NW Washington State, March 2, 2025, ICE arrested 37 employees, after an OSHA fine one month earlier
- Abby's Bakery – Texas, February 2025, ICE arrested employees, then filed criminal harboring complaint against owners
- Ocean Seafood, Newark, New Jersey, January 2025, 3 employees detained and one U.S. citizen, a military veteran, who was released
- Asian supermarkets in New York, July 2025, alleged human trafficking
- Arrests at protests



# What to do if ICE arrives?

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- Checklist of details to collect
  - Who arrived
  - What agency were they from
  - What were their names
  - How were they dressed
  - Were they armed
  - What did they want
  - What timeframe were they there
  - Did they have any warrant, and if so, what type
  - Did they have other documentation
  - Were they threatening or unprofessional
  - Did they take any documents or items, and if so, did they leave a written inventory
  - Did they take anyone into custody, and if so, who and where did they take them
  - What follow up is planned



# Response to Arrest or Search Warrant: Do's & Don'ts

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Do's



Don'ts

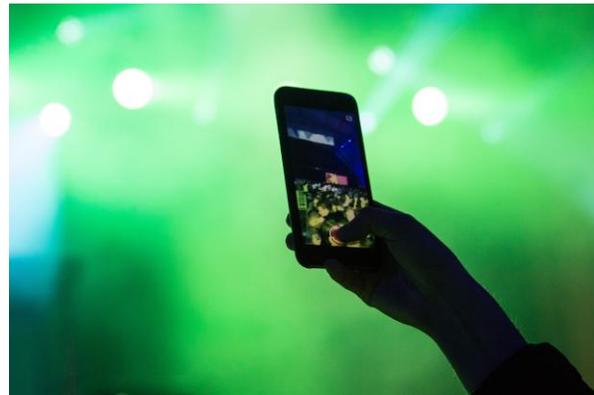
- **Do**
  - Read the warrant
  - Make sure it is a judicial warrant
  - Make a copy
  - Keep a record of actions
- **Don't**
  - Do not consent to access or a search of the private or restricted areas of the business
  - Do not lie
  - Do not give unnecessary information about any individual
  - Do not interfere with judicial warrant directions

# Travel and Entering the U.S.

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Anticipate delays

- Visa processing
- Border exception to search without probable cause?
- Phone and device searches



# “Good Moral Character” Vetting, Policy Change

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- Previously, for naturalization to U.S. citizenship: Good moral character for past five years
- Now, for naturalization and green card “discretionary factors”
  - Consideration of evidence of moral character (positive or negative):
    - Community involvement
    - Education attainment
    - Convictions or actions that may be “inconsistent with civic responsibility”
    - Reckless or habitual traffic infractions
    - Unpaid or overdue tax obligations
    - Expression of “anti-American” ideology or support

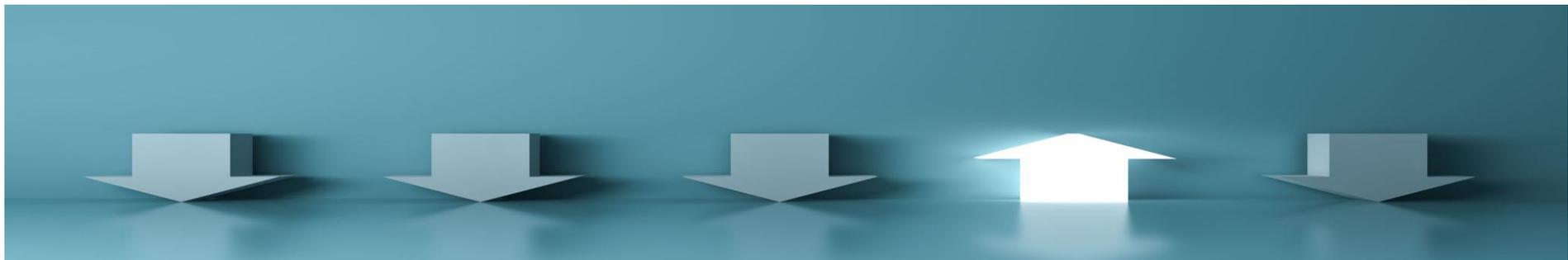
# Challenges to Employer Workforce Expectations

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Challenges from multiple angles

- Worksite encounters
- Stress on personnel
- Disrupted expectations due to policy changes

Strategy: Control what you can



# Thank You

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## **Diane Butler**

Davis Wright Tremaine LLP

Chair of Immigration Group

Partner | Seattle

[dianebutler@dwt.com](mailto:dianebutler@dwt.com)

P: 206.757.8354