Promoting Fair and Safe Workplaces for All

Guidance and Model Policies to Assist the Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, and the Division of Workers Compensation in Responding to Immigration Enforcement



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Introduction

California's economy is the fifth largest in the world, generating \$3.9 trillion in gross domestic product each year.¹ The state's employers and employees are essential to California's economic success, since their businesses and labor fuel our robust economy. Equally important are the state's labor agencies, which ensure that workers are treated fairly and have safe work environments. All workers are generally entitled to protections, rights, and remedies under state law, regardless of immigration status.²

Employers, employees, and labor agencies play a critical role in ensuring that the state's economy continues to thrive. In California, it is estimated that one in ten workers, or approximately 2.7 million individuals, are undocumented.³ Undocumented immigrants are an integral part of California's economy, and each county's economy, paying an estimated \$8.5 billion dollars in state and local taxes,⁴ with a contribution of more than 151 billion dollars annually to the state's economy.⁵ Despite these important contributions, undocumented immigrants are often subject to workplace abuses by employers seeking to exploit them because of their immigrant workers reported being paid less than the minimum wage in the previous week, compared to 21.3 percent of documented immigrants and 15.6 percent of United States-born citizens surveyed.⁷

Fear of retaliation and the prospect of removal deters workers from reporting unpaid wages, substandard working conditions, and other unlawful practices by their employers.⁸ As a result, undocumented workers are discouraged from accessing remedies afforded to them by law. Despite the sizeable undocumented immigrant labor force and its vulnerability to exploitation, the California Labor Commissioner's Office received 33 administrative complaints of immigration-related retaliation in 2021.⁹ Undocumented workers are clearly deterred in reporting labor law violations. And when unscrupulous employers engage in exploitive practices against vulnerable employees, they gain a competitive advantage over law-abiding employers.

Thus, building trust between California's immigrant community and state labor standards enforcement agencies advances the safety of California's laborers, as well as the prosperity of law-abiding employers. This trust is threatened when state and local agencies are entangled with federal immigration enforcement, causing immigrant community members to fear reprisal if they report labor law violations or seek legal redress to which they are entitled.

California's Labor Agencies

The State of California Labor and Workforce Development Agency, in its oversight of seven major departments, boards, and panels, ensures that California businesses and workers have a level playing field in which to compete and prosper.¹⁰

As a subagency of the Labor and Workforce Development Agency, the California Department of Industrial Relations' mission is to protect and improve the health, safety, and economic wellbeing of over 18 million workers. Additionally, the Department of Industrial Relations assists employers in complying with state labor laws.¹¹ Housed within the Department of Industrial Relations are two subagencies that carry out this mission:

- The California Labor Commissioner's Office—also known as the Division of Labor Standards Enforcement—adjudicates wage claims, investigates retaliation and public works complaints, and enforces labor law and Industrial Welfare Commission wage orders.¹²
- 2. The Division of Workers' Compensation monitors the administration of workers' compensation claims and provides administrative and judicial services to assist in resolving disputes that arise in connection with claims for workers' compensation benefits.¹³

The California Agricultural Labor Relations Board provides a forum for all agricultural workers and stability in agricultural labor relations. The Board prescribes procedures for protecting, implementing, and enforcing the respective rights and responsibilities of employees, employers, and labor organizations in their relations with each other.¹⁴

Purpose of this Guide

The first version of this guide was published after Senate Bill (SB) No. 54 (2017-2018 Regular Session) mandated that the Attorney General publish model policies "limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law."¹⁵ The Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, and the Division of Workers' Compensation (each, a "Labor Agency," and together, the "Labor Agencies") were encouraged to adopt these policies.¹⁶

California Attorney General Rob Bonta is now issuing this new edition to implement the California's limitation on state and local participation in immigration enforcement activities. Such participation diverts state resources, blurs lines of accountability, and threatens trust between immigrant communities and state and local agencies that provide critical public services. The model policies laid out in this guidance are aimed at assisting Labor Agencies and their staff members in focusing their resources on their distinct missions, while leaving immigration enforcement efforts to others.

To that end, this guide offers the Labor Agencies information about governing law and model policies for the following circumstances:

- 1. Affording legal protections to workers who may be the subject of immigration enforcement actions;
- 2. Responding to requests and attempts by immigration enforcement authorities to access labor agency facilities; and
- 3. Responding to written requests for information from immigration enforcement authorities.

This guide is intended to help each Labor Agency form practical plans to protect the rights of workers¹⁷ who access services from and participate in enforcement activities of the Labor Agencies. To that end, this guide discusses procedures for responding to immigration enforcement actions and requests for information directed at the Labor Agencies. This guide, however, is not intended to address the duties that the Labor Agencies may have as employers when faced with the same requests about their own employees.¹⁸

California law enforcement agencies are prohibited under state law from performing the functions of an immigration enforcement officer.¹⁹ Although U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) are the agencies with primary responsibility for federal immigration enforcement, there may be instances in which other law enforcement agencies may attempt to enforce federal immigration laws. ICE, CBP, and other law enforcement agencies attempting to enforce immigration laws are treated the same by this guide, in terms of the advice given for how Labor Agencies should interact with them Any policy adopted to address interactions between Labor Agency staff and immigration enforcement officers should encompass all law enforcement agencies that seek to enforce immigration law, and should handle requests from all law enforcement agencies acting with that purpose in the same way.

Each Labor Agency may have already adopted policies equivalent to, or exceeding, the protections afforded by the policies set forth in this guide. To the extent that a Labor Agency has developed policies that are aligned with or provide greater protections for immigrants and others seeking access to the Labor Agency's services, this guide is not intended to displace those policies. Nor does the exclusion of a particular policy in this guide—whether recommended by a stakeholder group or implemented by an agency—necessarily indicate the Attorney General's disapproval of that policy. Rather, this guide offers foundational elements reflecting the minimum that should be present in the policies adopted by any Labor Agency and should serve as a resource to enhance current policies as needed and ensure alignment with state law.

This guide is not legal advice. It is based on law current as of December 2024, which, of course, may change. Labor Agencies' staff should consult with legal counsel when formulating their own policies and practices, and in addressing any questions regarding the issues covered in this guide.

Purpose of this Section

To describe legal protections that apply to workers who may be the subject of immigration enforcement actions, and to share with Labor Agency staff recommended principles and protocols for daily operations to improve access for workers, regardless of their immigration status.

Governing Law

1. Labor Rights of Immigrant Workers

All protections, rights, and remedies available under California law, except any reinstatement remedy prohibited by state or federal law, "are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed in California."²⁰ In proceedings or discovery undertaken to enforce those state laws, no inquiry is permitted into a person's immigration status, except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration laws.²¹

This general principle is also reflected in specific state employment law schemes. For example, the definition of "employee" that is used to determine eligibility for worker's compensation benefits specifically includes noncitizen workers.²² Similarly, federal courts recognize that undocumented persons may enforce their own labor rights,²³ and that the specter of immigration enforcement may have a chilling effect on the exercise of employment rights, even for documented workers.²⁴

2. Anti-Retaliation Laws Protecting Immigrant Workers

State labor law specifically protects individual workers who may be subject to retaliation by their employers because of their undocumented status. It prohibits employers from engaging in unfair immigration-related practices that retaliate against employees who exercise rights protected by the Labor Code or local ordinances.²⁵ Similarly, it is unlawful for employers to use threats related to one's immigration status to retaliate against employees who have exercised their labor rights.²⁶ If an employer reports or threatens to report the immigration status of a worker or a worker's family member, that act constitutes an adverse action for purposes of establishing a violation of an employee's, former employee's, or prospective employee's rights.²⁷ Also, as a matter of internal policy, the Division of Labor Standards Enforcement may "with or without receiving a complaint" investigate an employer that it suspects to have engaged in retaliatory conduct in connection with "instances of suspected immigration-related threats."²⁸

The penalties for violating these anti-retaliation statutes can be severe. An employer's professional license may be revoked if the employer is found to have retaliated against an employee based on immigration status.²⁹ In addition, a lawyer who participates in retaliatory activities related to an immigrant's exercise of employment rights may be suspended or disbarred.³⁰

3. Workers' Immigration Status Information

As noted above, the Labor Agencies enforce state labor laws on behalf of all workers, regardless of immigration status, and no inquiry shall be permitted into a person's immigration status except where "the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law."³¹ In other words, state law restricts the circumstances under which Labor Agency employees may inquire into a worker's immigration status.

Federal law also does not affirmatively require a Labor Agency to share immigration status information in its possession. However, Section 1373 of title 8 of the United States Code provides that state and local government entities and officials cannot prohibit or restrict any governmental entity or official from maintaining information regarding a person's immigration status, exchanging information regarding a person's immigration status with other governmental entities, or sending or receiving information regarding the citizenship or immigration status of any individual to or from federal immigration authorities.³²

The Ninth Circuit has construed section 1373 narrowly, finding that the scope of information covered by the statute is limited to "information strictly pertaining to immigration status (i.e., what one's immigration status is)" and clarifying that the federal statute does not apply to other categories of information, such as a student's home or work address.³³

Policy Recommendations

In addition to the model policies appearing in Section 4, the Attorney General makes the following policy recommendations:

1. Evaluate, Update, and Publish Policies and Procedures to Ensure that All Workers, Regardless of Immigration Status, Are Aware of Their Rights Under California Law

Labor Agencies are encouraged to evaluate their current procedures and practices, and modify them as appropriate, to ensure that all workers, regardless of immigration status, feel safe in accessing the services available at Labor Agencies.

The following procedures are offered by way of example and may be adapted and modified in accordance with operational needs:

- Do not post hearing calendars in waiting areas or online. Instead, where possible, rely on support staff to communicate calendar information to workers and opposing parties;
- Where hearing calendars are posted in waiting areas, consider referring to matters on the calendar by their case or calendar numbers in lieu of party names identifying workers;
- ► Consider using case numbers or calendar numbers, not party names, to call matters;

- Provide secure waiting rooms for employers and workers;
- > Permit remote appearances by phone or video where feasible;
- > Permit witnesses to testify pseudonymously at evidentiary hearings; and
- Consider, to the extent permissible by law, continuing rather than dismissing ongoing matters in which a worker has failed to appear for reasons related to potential immigration enforcement actions.

Labor Agency staff should receive a copy of all model policies under this guide (or the equivalent policies adopted by the Labor Agency) and receive training about these policies.

2. Additional Resources

In the event that a worker or a worker's family member is detained, Labor Agency staff should be aware of the following resources.

ICE Detainee Locator

The ICE detainee locator (https://locator.ice.gov/odls/#/search) can help people determine if their family member has been detained and where the family member is being held. In using the ICE detainee locator, it is helpful to know the family member's date of birth and "A-Number" (Alien Registration Number), if there is one. The ICE detainee locator is intended only for locating individuals who are already detained. If a worker has general questions about their immigration status, the worker should be referred to the list of legal service providers.

Legal Assistance

Immigration lawyers in private practice, accredited representatives (who assist immigrants in immigration proceedings), or legal-aid organizations may be able to provide legal assistance to secure the release of, or arrange for visits to, a worker or worker's family member.³⁴

- ✓ An Individual can determine that lawyers are licensed by and in good standing with the State Bar of California, by checking online at http://www.calbar.ca.gov/Attorneys.
- A list of California legal service providers maintained by the Executive Office of Immigration Review to represent immigrants can be found at: https://www.justice.gov/eoir/file/ProBonoCA/dl.
- ✓ California courts operate Self-Help Centers that may also be able to provide family law assistance to individuals. A list of these centers across the state is available at: https://selfhelp.courts.ca.gov.
- ✓ Individuals may be able to find legal assistance from legal aid offices and lawyer referral services at the California Department of Social Services Website, http://www.cdss.ca.gov/ Benefits-Services/More-Services/Immigration-Services/Immigration-Services-Contractors, or at the California courts website, http://www.courts.ca.gov.

- ✓ Do not hire a notary or an immigration consultant if you are seeking advice and assistance regarding your immigration status. Notaries and immigration consultants are not attorneys or experts in immigration. In fact, they are not legally required to know anything about immigration law because they are only allowed to help you with non-legal tasks like translating information. They cannot—and should not—provide advice or direction about your immigration forms or speak to the government on your behalf.
- ✓ In addition, immigration consultants must be bonded and pass background checks with the Secretary of State, whose website, https://specialfilings.sos.ca.gov/icbs, provides information about whether individuals holding themselves out as immigration consultants have complied with these requirements.

02 Responding to Requests and Attempts by Immigration Enforcement Authorities to Access Labor Agency Facilities

Purpose of this Section

To provide Labor Agency staff with guidelines for responding to requests to access Labor Agency facilities for immigration enforcement purposes. This section also describes various types of documentary authority that immigration enforcement authorities may present in support of a search or arrest.

Governing Law

1. Access to Labor Agency Facilities

Fourth Amendment

The Fourth Amendment to the United States Constitution protects individuals against unreasonable searches and seizures. What is required for law enforcement officers to access areas of a Labor Agency facility depends on whether a worker—or any person within a Labor Agency facility—has an expectation of privacy in the place to be entered. Where a reasonable expectation of privacy exists, the federal constitution prohibits access without consent, a judicial warrant, or the types of exigent circumstances that excuse the warrant requirement. This guide does not address all of the factual circumstances that may arise relating to an individual's Fourth Amendment protections in different areas of a Labor Agency facility.

The Immigrant Worker Protection Act

The Immigrant Worker Protection Act (Assembly Bill No. 450, 2017-2018 Regular Session) imposes obligations on the conduct of public employers and persons acting on their behalf, in the event an officer engaged in immigration enforcement seeks to enter an employer's place of business, subject to certain exceptions.³⁵

Public employers, or persons acting on their behalf, are prohibited from providing "voluntary consent" for an immigration enforcement agent to enter "any nonpublic areas of a place of labor."³⁶ This provision does not apply if the agent provides a judicial warrant.³⁷ Additional information about identifying judicial warrants can be found in Subsection 3 below. This provision also does not preclude a public employer from bringing an immigration enforcement agent into a nonpublic area of the workplace for the purpose of determining whether the agent has a judicial warrant, "provided no consent to search nonpublic areas is given in the process."³⁸

Whether voluntary consent was provided by a public employer or a person working on their behalf is a fact-based determination that depends on the specific circumstances of the interaction between the employer and the officer conducting immigration enforcement, including the conduct of, and words used by, the employer or person working on their behalf. In general, for consent to be voluntary, it cannot be the result of duress or coercion, whether express or implied.

2. Description of Warrants, Subpoenas, and Court Orders Used for Immigration Enforcement

A peace officer who is seeking to enter a Labor Agency to search for or apprehend a worker may present any of several different types of documents as authority for the search or apprehension. Below, this guide provides an overview of various types of documentary authority an officer may present. Sample copies of each document are appended to this guide. Of course, not all of these documents provide legal authority to enter and search a particular area. Also, a document that might appear to be valid authority to enter and search a particular area may be defective in a way that is not apparent to someone without legal training. It is important to understand that, when presented with a request by a peace officer to enter and search a Labor Agency facility, Labor Agency staff and workers should not provide consent to the officer to enter an area of the facility or otherwise assist with any search or arrest. Labor Agency staff should not, however, attempt to physically interfere with the officer's entry, even if the officer appears to be acting in excess of authority and without consent.

Officers engaged in immigration enforcement may be in civilian clothing without displaying a badge or other insignia. Labor Agency staff should ask the officers to provide credentials.

ICE Administrative "Warrant"

An ICE administrative "warrant" is the most typical type used by immigration enforcement officers. Such a document authorizes an immigration enforcement officer to arrest a person suspected of violating immigration laws. An ICE warrant can be issued by any authorized immigration enforcement officer. An ICE administrative warrant is not a warrant within the meaning of the Fourth Amendment to the U.S. Constitution, because an ICE warrant is not supported by a showing of probable cause of a criminal offense. An ICE warrant is not issued by a court judge or magistrate.

An ICE warrant does not grant an immigration enforcement officer any special power to compel Labor Agency personnel to cooperate with his or her requests. For example, an ICE warrant does not authorize access to nonpublic areas of a Labor Agency. An ICE warrant alone does not allow an immigration enforcement officer to search Labor Agency records. (See Appendix A for a sample ICE administrative "arrest warrant" (Form I-200), and Appendix B for a sample ICE "removal warrant" (Form I-205).)

Labor Agency staff should not physically interfere with an immigration enforcement officer in the performance of his or her duties. However, Labor Agency staff are not required to assist with the apprehension of a person identified in an ICE administrative warrant, nor are Labor Agency staff required to consent to an immigration enforcement officer's search of Labor Agency facilities. In fact, as a public employer, a Labor Agency may not provide voluntary consent to an immigration enforcement officer seeking access to a nonpublic area when presented with an ICE warrant.³⁹

Notice to Appear

A notice to appear (NTA) is a charging document issued by ICE, CBP, or the U.S. Citizenship and Immigration Services (USCIS) seeking to commence formal removal proceedings against an individual before an immigration court. An NTA contains allegations made about a particular person's immigration status. An NTA notifies an individual that he or she is expected to appear before an immigration judge on a certain date. An NTA does not authorize an individual's arrest by immigration enforcement authorities or local law enforcement authorities.⁴⁰ (See Appendix C for a sample of an NTA (Form I-862).)

An NTA does not require Labor Agency staff to take any action or grant an officer engaged in immigration enforcement any special power to compel the Labor Agencies to cooperate with the officer. An NTA does not authorize access to nonpublic areas of the Labor Agencies. An NTA does not legally require Labor Agency staff to allow authorities to search Labor Agency records.

Federal Court Warrant

A federal court warrant is issued by a district judge or a magistrate judge of a U.S. District Court, based on a finding of probable cause authorizing the search or seizure of property, the entry into a nonpublic area to arrest a person named in an arrest warrant, or the arrest of a named person.

There are two types of federal court warrants, a search-and-seizure warrant and an arrest warrant.

- A federal search-and-seizure warrant allows an officer to conduct a search authorized by the warrant. (See Appendix C for a sample federal search and seizure warrant (Form AO 93).)
- A federal arrest warrant allows an officer to arrest the individual named in the warrant. (See Appendix D for a sample federal arrest warrant (Form AO 442).)

Prompt compliance with a federal court warrant usually is required. Where feasible, however, Labor Agency staff should consult with a designated Labor Agency administrator or legal counsel before responding.

Administrative Subpoena

An administrative subpoena is a document that requests production of documents or other evidence, and (in the immigration enforcement context) is issued by an immigration enforcement officer. The administrative subpoena will contain the following information: file number, subpoena number, mailing address to which to mail the requested information, a list of the regulations that apply, the request for information, and the signature(s) of the officer(s). (See Appendix E for a sample administrative subpoena (Form I-138).)

A Labor Agency generally does not need to immediately comply with an administrative subpoena. If an immigration enforcement officer arrives with a pre-designated administrative subpoena, the Labor Agency may decline to produce the information sought and may choose to challenge the administrative subpoena before a judge. Therefore, Labor Agency staff should immediately contact a designated Labor Agency administrator or counsel upon receipt of a subpoena.

Federal Judicial Subpoena

A federal judicial subpoena is a document that asks for the production of documents or other evidence. The federal judicial subpoena will identify a federal court and the name of the judge or judicial magistrate issuing the subpoena, and may require attendance at a specific time and location and the production of prescribed records. (See Appendix F for a sample federal judicial subpoena.)

As with an administrative subpoena, noted above, a Labor Agency generally does not need to immediately comply with a federal judicial subpoena, and can challenge it before a federal judge in a U.S. District Court. Labor Agency staff should therefore immediately contact a designated Labor Agency administrator or legal counsel upon receipt of a federal judicial subpoena.

Court Order

If an immigration enforcement officer arrives with a court order, a designated Labor Agency administrator or legal counsel shall review the order with legal counsel or other designated person, and then respond accordingly.

Policy Recommendations

In addition to the model policies appearing in Section 4, the Attorney General makes the following policy recommendations:

1. Designate Restricted Access Areas Within the Facility

Labor Agency facilities should develop policies to enhance the privacy available to facility users consistent with their mission. Labor Agency facilities should consider which areas of their facility should have restricted access and clearly designate those areas through mapping, signage, locks or other access restrictions, or a combination thereof. Designating restricted areas and developing policies limiting access to outsiders can promote the Labor Agencies' ability to operate a safe and efficient environment in which to enforce labor laws that is conducive to the Labor Agencies' mission. Labor Agencies should acknowledge that immigration enforcement activities, and threats of such activities, interfere with their missions and should adopt policies on restricted areas and similar policies regarding access to facilities and users that promote a safe environment conducive to the Labor Agency's mission. While restricted areas protect facility users and staff in other ways and promote the need for a safe environment conducive to the institution's mission, such restrictions on access will not always equate to Fourth Amendment protection.

As noted above, Labor Agency staff cannot provide "voluntary consent" to allow officers seeking to engage in immigration enforcement to enter "nonpublic places of labor" within government-operated facilities, such as Labor Agency offices and facilities, without a judicial warrant. Each Labor Agency should identify which areas within its offices and facilities meet this standard. The Labor Agency should consider designating those areas accordingly, including by posting signs.⁴¹ Each Labor Agency may also consider other measures to enhance expectations regarding privacy within areas of the Labor Agency's offices and facilities, such as by adopting policies limiting public access and installing access controls.

2. Establish Procedures for Staff to Respond to the Presence of Officers Seeking to Engage in Immigration Enforcement at Labor Agency Facilities

The Attorney General recommends that Labor Agency administrators consider developing internal protocols providing administrative law judges and staff with direction for how to address immigration-related warrants to ensure that hearings and other operations are not disrupted.

Each Labor Agency should train staff to be familiar with the relevant documents and procedures used by immigration enforcement authorities. Staff should follow model policies, such as the ones in Section 4 of this guide, regarding responding to requests to access Labor Agency facilities, workers, and records regarding workers.

If operational needs require a Labor Agency to conduct enforcement activities offsite, such as to accommodate parties who reside or work in remote locations, such Labor Agency should attempt to host these activities in government-operated facilities rather than privately operated facilities, where operationally feasible and otherwise consistent with agency needs. Where possible, the Labor Agency should ascertain in advance whether the site affords sufficient privacy for workers.

Each Labor Agency is encouraged to track incidents or other contacts involving immigration enforcement. The Labor Agency can employ an incident report form to ensure that pertinent details involving in-person visits and written or telephonic requests for information by immigration enforcement authorities are memorialized. Such form should include, at minimum, the following information:

- Name of staff person who responded to the contact or incident, including position and contact information;
- Name of any other staff members involved, including staff's position and contact information;
- Date, time, location, and manner of the contact (e.g., in-person, by phone);
- ► Name, agency, and badge number of all involved officers;
- > Stated purpose of the visit or contact, described in as much detail as possible;
- Description of any records or information requested;
- Description of area(s) of facilities that the officer entered;
- Description of interaction with the officer, including any communications regarding consent and circumstances of forced entry; and
- Copies of any documents provided by the officer.

Purpose of this Section

To provide Labor Agency staff with guidance for responding to written requests by officers engaged in immigration enforcement for information regarding workers.

Governing Law

1. Workers' Immigration Status Information

As noted above in Section 1, Labor Agencies are generally restricted from inquiring into worker immigration status, but state and local governments cannot prohibit or restrict any governmental employees from sending or receiving information regarding the citizenship or immigration status of any individual to or from federal immigration enforcement authorities.⁴²

2. Workers' Compensation Records

Workers' compensation records that contain individually identifiable information, and are not associated with an adjudicated claim, are protected from disclosure under state law. Specifically, persons or entities who are not parties to a worker's compensation claim, including public entities, generally "may not obtain individually identifiable information obtained or maintained by the division on that claim."⁴³ "Individually identifiable information" for this purpose refers to "any data concerning an injury or claim that is linked to a uniquely identifiable employee, employer, claims administrator, or any other person or entity."⁴⁴

Any records contained in workers' compensation claim files maintained by the Workers' Compensation Appeals Board, however, are not similarly protected and are open to public review.⁴⁵

Once an individual files an application for adjudication with the Workers' Compensation Appeals Board in connection with his or her workers' compensation claim, the information contained in that individual's Workers' Compensation Appeals Board case file is open to public inspection, except for judicially sealed documents.⁴⁶ Individually identifiable information contained in Workers' Compensation Appeals Board case files are not to be provided to any person or public or private entity who is not a party to the claim unless the identity of the requesting party is provided, along with the reason for making the request.⁴⁷ Generally, residential addresses are deemed to be confidential and should not be disclosed to any person or public or private entity, except that they may be provided to a party to the claim, a law enforcement agency, an office of a district attorney, any person for a journalistic purpose, or other governmental agency.⁴⁸

Policy Recommendations

In addition to the model policies appearing in Section 4, the Attorney General makes the following policy recommendations:

1. Account for Applicable Exemptions and Restrictions Regarding the Disclosure of Confidential Worker Information

In evaluating and responding to a written request for records or information regarding workers, a Labor Agency should identify and consider any applicable exemptions from disclosure or other confidentiality requirements that apply to information encompassed by the request.

2. Notify Workers Regarding Any Requests for Information by Immigration Enforcement Authorities

A Labor Agency should consider providing notice to any worker who is the subject of such a request, especially to the extent that doing so would further the Labor Agency's goal of protecting labor and workplace rights and preventing retaliation in the workplace. Under Government Code section 72848, subdivision (a), the Labor Agencies are encouraged to adopt the following model policies, or equivalent policies. The text below should be adapted by inserting the information sought in the bracketed portions.

Model Policies for Improving Worker Access to Labor Agencies

- [Labor Agency] shall evaluate current procedures and practices, and modify them as appropriate, to ensure [Labor Agency] remains accessible to workers who seek to enforce their labor rights and who may be the subject of immigration enforcement actions.
- [Labor Agency] shall develop and maintain written policies and procedures on reviewing and responding to warrants, administrative warrants, subpoenas, court orders, and the release of [Labor Agency] records containing worker information.
- [Labor Agency] shall train front-line staff regarding how to respond to incidents involving officers engaged in immigration enforcement. [Labor Agency] shall train staff on [Labor Agency]'s policies and procedures regarding how to respond to requests for [Labor Agency] records that may include worker information, and any applicable confidentiality requirements.
- [Labor Agency] shall train and designate staff counsel to advise and assist staff regarding immigration enforcement and responding to requests for information regarding workers. Designated staff counsel will be available to respond to [Labor Agency] front-line staff on short notice and during regular business hours. The contact information and availability of designated staff counsel will be communicated to [Labor Agency] staff.

Model Policies for Responding to Immigration Enforcement Activities at Labor Agency Facilities and Written Requests

- In the event of an in-person visit by an officer engaged in immigration enforcement to [Labor Agency] facilities, [Labor Agency] staff shall immediately ask the officer to leave the premises immediately because their presence is disruptive to the agency's business and report the presence of the officers to a supervisor. The supervisor should contact [designated administrator or staff counsel].
- [Labor Agency] staff should allow [designated administrator or staff counsel] to interact directly with the officer. While waiting for the designated staff counsel or administrator, or if neither is available, [Labor Agency] staff shall take the following actions:
 - 1. Advise the officer that before proceeding with any request, staff must notify [designated administrator or staff counsel] to follow up with the officer;
 - 2. Ask to inspect, and make a copy of or note, the officer's credentials (i.e., name and badge number). Also ask for and copy or note the phone number of the officer's supervisor;
 - 3. Ask the officer to explain the purpose of the officer's visit, and document the response;

Model Policies for Responding to Immigration Enforcement Activities at Labor Agency Facilities and Written Requests (Continued)

- 4. Ask the officer to produce any documentation that authorizes access to [Labor Agency] facilities;
- 5. Make a copy of all documents provided by the officer;
- 6. Decline to answer questions posed by the officers and direct the officer to speak to a [Labor Agency] supervisor or designated staff counsel;
- 7. State that [Labor Agency] does not consent to entry into [Labor Agency] facilities or portions thereof;
- 8. Without expressing consent, respond based on the documentation provided that purports to authorize the request. If the officer has:
 - An ICE administrative "warrant" (see samples in Appendix, items A & B): Immediate compliance is *not* required. Inform the officer that [Labor Agency] cannot respond to the warrant until after it has been reviewed by legal counsel. Provide copy of the warrant to [designated administrator or staff counsel] as soon as possible.
 - A notice to appear (see sample in Appendix, item C): This document is not directed at [Labor Agency's] facility. [Labor Agency] staff is under no obligation to deliver or facilitate service of this document to the person named in the document. If you receive a copy of the document, give it to [designated administrator or staff counsel] as soon as possible.
 - A federal judicial warrant (either a search-and-seizure warrant or an arrest warrant; see samples in Appendix, items D & E): Prompt compliance usually *is* required, but where feasible, staff should consult with legal counsel before responding.
 - A subpoena for the production of documents or other evidence (see samples in Appendix, items F & G). Immediate compliance is *not* required. Inform the officer that [Labor Agency] cannot respond to the subpoena until after it has been reviewed by legal counsel. Provide a copy of the warrant to legal counsel as soon as possible.
- 9. If the officer orders staff to provide immediate access to facilities, [Labor Agency] staff should not refuse the officer's order and immediately contact [designated administrator or staff counsel]. Do not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the purported authority provided by a warrant or other document;
- 10. Document the officer's actions in as much detail as possible when they enter [Labor Agency] premises, but without interfering with the officer's movements; and
- 11. Complete an incident report that includes the information gathered or described above and the officer's statements and actions.

Endnotes

¹ Gavin Newsom, *California's Economy Leads the Nation*, Governor of California (July 15, 2024), <u>https://www.gov.ca.gov/2024/07/15/californias-economy-leads-the-nation/</u> (as of Nov. 26, 2024); Jenny Duan & Sarah Bohn, *California's Economy*, Public Policy Institute of California (Oct. 2024), <u>https://www.ppic.org/publication/californias-economy/</u> (as of Nov. 26, 2024).

² Gov. Code, § 7285, subd. (a) .

³ Joseph Hayes & Laura Hill, *Undocumented Immigrants in California*, Public Policy Institute of California (March 2017), http://www.ppic.org/publication/undocumented-immigrants-in-california/ (as of Sept. 10, 2018).

⁴ Institute on Taxation and Economic Policy, *California Budget & Policy Center: California's Undocumented Residents Make Significant Tax Contributions* (Oct. 29, 2024), https://itep.org/california-budget-policy-center-californias-undocumented-residents-make-significant-tax-contributions/ (as of Nov. 26, 2024).

⁵ Cal Lutheran News, *Conference Explores Challenges and Economic Impact of Undocumented Immigrants in California*, California Lutheran University (Jan. 31, 2024), <u>https://news.callutheran.edu/2024/01/conference-explores-challenges-and-economic-impact-of-undocumented-immigrants-in-california/</u> (as of Nov. 26, 2024).

⁶ Andrew Khouri, *More workers say their bosses are threatening to have them deported*, L.A . Times (Jan. 2, 2018), http://www.latimes.com/business/la-fi-immigration-retaliation-20180102-story.html (as of Sept.

10, 2018).

⁷ Bernhardt, Annette, et al., *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities* (2009), Center for Urban Economic Development, National Employment Law Project, and UCLA Institute for Research on Labor and Employment, https://www.nelp.org/app/uploads/2015/03/BrokenLawsReport2009.pdf (as of Dec. 2, 2024).

⁸ See *United States v. Brignoni-Ponce* (1975) 422 U.S. 873, 879 (finding that undocumented immigrants "are vulnerable to exploitation because they cannot complain of substandard working conditions without risking deportation").

⁹ Cal. Dept. of Industrial Relations, *2021 Retaliation Complaint Report*, https://www.dir.ca.gov/dlse/RCILegReport2021.pdf (as of Nov. 26, 2024).

¹⁰ Cal. Labor & Workforce Dev. Agency, *About the Labor and Workforce Development Agency*, https://www.labor.ca.gov/about/ (as of Nov. 27, 2024).

¹¹ Cal. Dept. of Industrial Relations, *About Us* (Oct. 2024), https://www.dir.ca.gov/aboutdir .html (as of Nov. 26, 2024).

¹² Cal. Dept. of Industrial Relations, *About DLSE* (Apr. 2019), https://www.dir.ca.gov/dlse/aboutdlse .html (as of Nov. 26, 2024).

¹³ Cal. Dept. of Industrial Relations, *Division of Workers' Compensation* (2018), https://www.dir.ca.gov/ dwc/ (as of Nov. 26, 2024).

¹⁴ Cal. Agric. Rel. Board, *Who We Are* (2024), <u>https://www.alrb.ca.gov/about-us/who-we-are/</u> (as of November 26, 2024).

¹⁵ Gov. Code, § 7284.8, subd. (a). SB 54 defines "immigration enforcement" to include "any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States." (Gov. Code, § 7284.4, subd. (f).) This guide adopts that definition.

¹⁶ Gov. Code, § 7284 .8, subd. (a) .

¹⁷ This guide uses the term "worker" in reference to those who report labor law violations to the Labor Agencies, who participate in the Labor Agencies' enforcement activities (including as a witness, union representative, or non-attorney representative appearing on behalf of a claimant, and who contact the Labor Agencies to learn more about their labor rights and how to enforce them. The term "worker" is not intended to refer to employees of the Labor Agencies.

¹⁸ Public employers, including the Labor Agencies, have state and federal obligations based on their status as employers that this guide does not reach. For example, Assembly Bill (AB) No. 450 (2017-2018 Regular Session) prohibits an employer, or a person acting on behalf of the employer, from providing voluntary consent to an immigration enforcement agent to access, review or obtain the employer's employee records without a subpoena or judicial warrant, unless certain exceptions apply. (Gov. Code, § 7285.2, subd. (a)(1).) Employers should ensure that all of their policies are consistent with applicable state and federal law.

¹⁹ Gov. Code, § 7284 .6, subd. (a)(1)(G) . See also Cal. Dept. of Justice, Div. of Law Enforcement, Information Bulletin No . DLE-2018-01, *Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act* (Mar. 28, 2018), *https://oag. ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dle-18-01.pdf* (as of Dec. 3, 2024), at pp. 2-3.

²⁰ See Gov. Code, § 7285, subd. (a); Lab. Code, § 1171 .5, subd. (a) .

²¹ Lab. Code, § 1171 .5, subd. (b) .

²² Lab. Code, § 3351, subd. (a) .

²³ See *Sure-Tan, Inc. v. NLRB* (1984) 467 U.S. 883, 892 (undocumented immigrants are employees under the NLRA).

²⁴ Rivera v. NIBCO, Inc. (9th Cir. 2004) 364 F.3d 1057, 1065 (denying defendants' request to discover plaintiffs' immigration status as unduly burdensome and contrary to the public interest in enforcing employment discrimination laws) ("Granting employers the right to inquire into workers' immigration status in cases like this would allow them to raise implicitly the threat of deportation and criminal prosecution every time a worker, documented or undocumented, reports illegal practices or files a Title VII action. Indeed, countless acts of illegal and reprehensible conduct would go unreported").

²⁵ Lab. Code, § 1019.

²⁶ Ibid.

²⁷ Lab. Code, § 244, subd. (b).

²⁸ Div. of Labor Standards Enforcement, *Enforcement Policies and Interpretations Manual* (Dec. 2020), https://www.dir.ca.gov/dlse/dlsemanual/dlse_enfcmanual.pdf, at p . 17-2 (as of Nov. 29, 2024).

²⁹ Bus. & Prof. Code, § 494 .6, subd. (a) .

³⁰ Bus. & Prof. Code, § 6103 .7.

³¹ Lab. Code, § 1171 .5, subd. (b) .

32 8 U.S.C. § 1373(a), (b).

³³ United States v. California, supra, 314 F.Supp.3d at p. 1102, affd. in part & revd. in part (9th Cir. 2019) 921 F.3d 865, 891 (declining to interpret 8 U.S.C. § 1373 to include release dates and addresses).

³⁴ For information about who may represent individuals in immigration proceedings, please see United States Department of Justice, *Can Someone Represent You Before EOIR* (Executive Office of Immigration Review), available at https://www.justice.gov/eoir/can-someone-represent-you-eoir (as of Nov. 27, 2024).

³⁵ Gov. Code, § 7285 et seq.

³⁶ Gov. Code, § 7285 .1, subd. (a) .

³⁷ *Ibid.*

³⁸ *Id.*, subd. (c) .

39 Gov. Code, § 7285 .1.

⁴⁰ Arizona v. United States (2012) 567 U.S. 387, 407.

⁴¹ For example, the Labor Commissioner's office has posted such a sign that reads: "Only individuals seeking assistance or information from the Labor Commissioner about state labor laws, or those filing or involved in a claim or investigation before our agency (including parties, witnesses, representatives, family members, or persons assisting an individual with a claim), may enter this office. Solicitation is prohibited. Any person whose presence would interfere with agency proceedings is not permitted to enter this office."

- ⁴² See Lab. Code, § 1171.5; 8 U.S.C. § 1373(a), (b).
- ⁴³ Lab. Code, § 138 .7, subd (a).
- ⁴⁴ Ibid.
- ⁴⁵ NBC Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal .4th 1178, 1212.
- ⁴⁶ Lab. Code, § 138 .7, subd. (b)(5)(A).
- 47 Id., subd. (b)(5)(B).
- ⁴⁸ *Id.*, subd. (b)(5)(C).

Appendix A Immigrations and Customs Enforcement "Arrest Warrant" (Form I-200)

	File No.
	Date:
To: Any immigration officer author	rized pursuant to sections 236 and 287 of the
Immigration and Nationality A	ct and part 287 of title 8, Code of Federal of arrest for immigration violations
I have determined that there is probable of is removable from the United States. The	
□ the execution of a charging docu	ment to initiate removal proceedings against the subject;
□ the pendency of ongoing remova	al proceedings against the subject;
the failure to establish admissibility	lity subsequent to deferred inspection;
databases that affirmatively indicat	bject's identity and a records check of federal e, by themselves or in addition to other reliable lacks immigration status or notwithstanding such status on law; and/or
reliable evidence that affirmatively notwithstanding such status is remo	take into custody for removal proceedings under the
reliable evidence that affirmatively notwithstanding such status is remo YOU ARE COMMANDED to arrest ar	indicate the subject either lacks immigration status or syable under U.S. immigration law. In take into custody for removal proceedings under the ove-named alien.
reliable evidence that affirmatively notwithstanding such status is remo YOU ARE COMMANDED to arrest ar Immigration and Nationality Act, the abo	Indicate the subject either lacks immigration status or ovable under U.S. immigration law. Ind take into custody for removal proceedings under the ove-named alien. (Signature of Authorized Immigration Officer)
reliable evidence that affirmatively notwithstanding such status is remo YOU ARE COMMANDED to arrest ar Immigration and Nationality Act, the abo	Indicate the subject either lacks immigration status or svable under U.S. immigration law. Indicate the output of removal proceedings under the ove-named alien. (Signature of Authorized Immigration Officer) (Printed Name and Title of Authorized Immigration Officer) ertificate of Service f Alien was served by me at
reliable evidence that affirmatively notwithstanding such status is remo YOU ARE COMMANDED to arrest ar Immigration and Nationality Act, the abo	Indicate the subject either lacks immigration status or svable under U.S. immigration law. Indicate the subject either lacks immigration law. Indicate the subject either lacks immigration under the ove-named alien. (Signature of Authorized Immigration Officer) (Printed Name and Title of Authorized Immigration Officer) (Printed Name and Title of Authorized Immigration Officer) ertificate of Service If Alien was served by me at
reliable evidence that affirmatively notwithstanding such status is remo YOU ARE COMMANDED to arrest ar Immigration and Nationality Act, the abo	Indicate the subject either lacks immigration status or svable under U.S. immigration law. Indicate the output of removal proceedings under the ove-named alien. (Signature of Authorized Immigration Officer) (Printed Name and Title of Authorized Immigration Officer) ertificate of Service f Alien was served by me at
reliable evidence that affirmatively notwithstanding such status is remo YOU ARE COMMANDED to arrest ar Immigration and Nationality Act, the abo Mereby certify that the Warrant for Arrest o n on	Indicate the subject either lacks immigration status or svable under U.S. immigration law. Indicate the subject either lacks immigration law. Indicate into custody for removal proceedings under the ove-named alien. (Signature of Authorized Immigration Officer) (Printed Name and Title of Authorized Immigration Officer) (Printed Name and Title of Authorized Immigration Officer) ertificate of Service If Alien was served by me at

Appendix B Immigrations and Customs Enforcement "Removal Warrant" (Form I-205)

To any immigration officer of the United States Department of Homeland Security: (Full name of alien) who entered the United States at on	
File I Da To any immigration officer of the United States Department of Homeland Security: (Full name of alien) who entered the United States at (Place of entry) on (Da is subject to removal/deportation from the United States, based upon a final order by: an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge	
To any immigration officer of the United States Department of Homeland Security: (Full name of alien) who entered the United States at (Place of entry) on (Di is subject to removal/deportation from the United States, based upon a final order by: an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge	
To any immigration officer of the United States Department of Homeland Security: (Full name of alien) who entered the United States at (Place of entry) on (Drived States of the United States at an immigration from the United States, based upon a final order by: an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge	No:
(Full name of alien) who entered the United States at on (Di- is subject to removal/deportation from the United States, based upon a final order by: an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge	ate:
who entered the United States at on (Place of entry) (Diversion of the United States, based upon a final order by: an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge	
(Place of entry) (Di is subject to removal/deportation from the United States, based upon a final order by: an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge	
 is subject to removal/deportation from the United States, based upon a final order by: an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge 	
 an immigration judge in exclusion, deportation, or removal proceedings a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge 	ate of entry)
 a designated official the Board of Immigration Appeals a United States District or Magistrate Court Judge 	
 the Board of Immigration Appeals a United States District or Magistrate Court Judge 	
a United States District or Magistrate Court Judge	
and pursuant to the following provisions of the immigration and Nationality Act	
I, the undersigned officer of the United States, by virtue of the power and authority vested in th Security under the laws of the United States and by his or her direction, command you to take from the United States the above-named alien, pursuant to law, at the expense of:	e Secretary of Home into custody and rem
(Signature of immigratio	n officer)
(Title of immigration o	officer)
(Date and office loca	ation)

Appendix C Notice to Appear (Form I-862)

		Notice to Appear
n removal proceedings under s	section 240 of the Immigration and	l Nationality Act
		File No:
the Matter of:		
aanondonti		our anthe residing of
espondent:		currently residing at:
	Number, street, city, state and ZIP code)	(Area code and phone number)
 1. You are an arriving alien. 2. You are an alien arriving the line in the	Inited States who has not have admitted on	n one la d
•	Jnited States who has not been admitted or J Jnited States, but are deportable for the reas	-
	-	
he Department of Homeland Security	aneges that you:	
In the basis of the foregoing, it is charg	ed that you a priject to repoyal from the	United States pursuant to the following
rovision(s) of law:		e incer states parsuant to the ronowing
	C	
	S	
	S	
_	S	
] This notice is being issued after an	asylum officer has found that the responder	nt has demonstrated a credible fear of persecution.
		nt has demonstrated a credible fear of persecution.
Section 235(b)(1) order was vacated	d pursuant to : 8 CFR208.30(f)(2)	3CFR235.3(b)(5)(iv)
Section 235(b)(1) order was vacated		3CFR235.3(b)(5)(iv)
Section 235(b)(1) order was vacated	d pursuant to : 8 CFR208.30(f)(2)	BCFR235.3(b)(5)(iv) Department of Justice at:
Section 235(b)(1) order was vacated OU ARE ORDERED to appear before n at	d pursuant to : 8 CFR208.30(f)(2)	BCFR235.3(b)(5)(iv) Department of Justice at:
Section 235(b)(1) order was vacated	d pursuant to : 28 CFR208.30(f)(2) [e an immigration judge of the United States (Complete Address of Immigration Court, Including Room	BCFR235.3(b)(5)(iv) Department of Justice at:
Section 235(b)(1) order was vacated OU ARE ORDERED to appear before n at	d pursuant to : 8 CFR208.30(f)(2)	BCFR235.3(b)(5)(iv) Department of Justice at:
Section 235(b)(1) order was vacated OU ARE ORDERED to appear before n at harge(s) set forth above.	d pursuant to : 8 CFR208.30(f)(2)	BCFR235.3(b)(5)(iv) Department of Justice at: Number, if any) not be removed from the United States based on the
Section 235(b)(1) order was vacated OU ARE ORDERED to appear before n at	d pursuant to : 8 CFR208.30(f)(2)	BCFR235.3(b)(5)(iv) Department of Justice at: Number, if any) not be removed from the United States based on the (Signature and Title of Issuing Officer) (City and State)
Section 235(b)(1) order was vacated OU ARE ORDERED to appear before n at harge(s) set forth above.	d pursuant to : 8 CFR208.30(f)(2)	BCFR235.3(b)(5)(iv) Department of Justice at: Number, if any) not be removed from the United States based on the (Signature and Title of Issuing Officer) (City and State)

Appendix D Federal Search and Seizure Warrant (Form AO 93)

An application by a federal law enforcement officer or an atterney far the government requests the search "the following person or property located in the	for the In the Matter of the Score in groups to its survived if singly decorder the property is its survived if singly decorder the property is its survived if an its structure is a second of the property is its survived if an its second of the property is its survived of the property its its survived if an application by a federal low enforcement officer or an attackey for the property mean and second its second. An application by a federal low enforcement officer or an attackey for the property intersects the second. the following person or property located in the
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(bing) describe the property is to associated or a statistical property in the part of the property in the second. Case No. Case No.	<pre>(bright describe the property to be searched</pre>
(bing) describe the property is to associated or a statistical property in the part of the property in the second. Case No. Case No.	<pre>(bright describe the property to be searched</pre>
Case No.	or sincip to parsite by noise and addres:
a: Any antherized law enforcement officer An application by a federal law enforcement officer or an afferney far the government requests the search the following person or property located in the	S: Any atthewized law enforcement officer An application by a federal law enforcement officer or an afterney for the provenment requests the search of the following person or property located in the
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An application by a federal law enforcement officer or an attacney far the government respects the search the following person or property located in the	An application by a fielderal low enforcement officer or an affarmey far the government respects the search. (the following person or property located in the
<pre>if the following person or property located in the District of</pre>	<pre>f the following person or property located in the District of</pre>
In the descent of the second	I find that the affidavit(s), or any recorded testimator establic probates cause to search and seize the person or proper escribed above, and that such search will reveal (sincip) to pay or <i>secrice the property to in search</i> . (<i>not to exceed 14 days</i>) > YOU ARE COMMANDED to use or this warrant on or before(<i>not to exceed 14 days</i>) > in the daytime 6:00 are in 10:00 p.m at any time in the day or night because good cause has been established. Unless delayed antice is automizes before, you must give a capy of the warrant and a receipt for the property takes to errors from whom, or from whose receipt at the property was taken, or lease the copy and receipt at the place where the reporty was taken. The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an investory a required by law and promptly return this warrant and investory to(<i>brind State Major to exceed 30</i>)(<i>brind State Major to exceed 30</i>)(<i>brind that immediate notification may have an adverse result listed in 18 U.S.C.</i> 2705 (occept for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose reporty, will be searched or seized <i>fluxt the appropriat best</i> .
I find that the affidavid(s), or any recorded betimum tertable probative came to search and seize the person or property sective above, and that such search will reveal (instity for pairs or a constitute property to be axim): YOU ARE COMMANDED to ease of this warrant on on befare	I find that the affidavii(s), or any recorded testimory establic proba: came to search and seize the person or proper escribed above, and that such search will reveal (aiseig) to part a secribe the property to be seized): YOU ARE COMMANDED to easy of this warrant on an before
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Inequired by law and paramptly return this warrant and inventory to	s required by law and paramptly return this warrant and inventory to
Pressuant 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 uperty, will be searched or seized <i>fibrat the appropriate ton</i> for days <i>foot to exceet 30</i>	Pressant 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 anthonize the officer executing this warrant to delay notice to the person who, or whose reporty, will be searched or seized <i>find: the appropriate ton</i> for days <i>(not to excent 30)</i>
2705 (except for delay of trial), and anthexize the officer executing this warrant to delay notice to the person who, or whose naperty, will be searched or seized <i>(chart the appropriate bar)</i> I for days <i>(not to excent 30)</i> I until, the facts justifying, the later specific date of ate and time issued: Adjor's signator	2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose reperty, will be searched or seized <i>(that in appropriate bar)</i> Im days <i>(not to exceel 30)</i> Im days <i>(not to exceel 30)</i> Im days <i>(not to exceel 30)</i>
rupesty, will be searched or seized <i>(chart the appropriate ton)</i> I for days <i>(not to exceel 30)</i> I until, the facts justifying, the later specific date of ate and time issued: Adaptive signation	reporty, will be searched or seized <i>famit in appropriate int</i>) I fin days <i>(not to excert 30)</i> D until, the facts justifying, the later specific date of
for days (not to exceed 30)	for days (not to exceed 30) O until, the facts justifying, the later specific date of ate and time issued:
ate and time issued:	ate and time issued:
Adju's signature	ate and time issued:
Adju's signature	Adam 's simotory

Appendix E Federal Arrest Warrant (Form AO 442)

Т Балингаз Останов	
UNITED STAT	ES DISTRICT COURT
	in the
United States of America	
Ville Julie in America V.)
) Case No.
	1
	j /
Defenient	
AKKES	ST WARRANT
Fo: Any authorized law enforcement officer	
YOU AKE COMMANDED to arrest and imag be fame of person to be arrested)	eline . Vnitz . States magistrate judge without unnecessary delay
who is accused of an offense or violation based on the follo	an example the court
🗅 Probatima Vaolatian Petitian 🛛 🗋 Sup 📜 Վ Relea.	Violation Petition DViolation Notice D Order of the Court
S	
Date:	knowy officer 's signature
	Intering officer 's signature
Date:	Printel name and 60s
	Printei acces ent óla
City and state:	Printei nome col óte Return
City and state: This warrant was received on <i>films</i>	Printei nome col óte Return
City and state:	Printei nome col óte Return
City and state: This warrant was received on <i>films</i> th (city and state)	Printed name and file Return, and the person was arrested on (date)
City and state: This warrant was received on <i>films</i>	Printei nome col óte Return
City and state: This warrant was received on <i>films</i> th (city and state)	Printel accer col title Return
City and state: This warrant was received on <i>films</i> th (city and state)	Printed name and file Return, and the person was arrested on (date)

Appendix F Department of Homeland Security Immigration Enforcement Subpoena (Form I-138)

1. To (Name, Address, City, State, Zip Code)	DEPARTM	ENT OF HOMELA	ND SECURITY
	to Ap	GRATION ENFOI SUBPOENA pear and/or Produc .C. § 1225(d), 8 C.F.	e Records
Subpoena Number		.o. g 1220(u), 0 0.1 .	N. 9 201.4
2. In Reference To			
(Title of Proceeding)		(File Number	if Applicable)
By the service of this subpoena upon you, YO	U ARE HEREBY SUMMON	NED AND REQUIR	ED TO:
 (A) APPEAR before the U.S. Custon Enforcement (ICE), or U.S. Citiz at the place, date, and time spec Block 2. (B) PRODUCE the records (books, 	enship and Immigration Servic cified, to testify and give inform papers, or other documents) ir	ces (* 5CIS) Official r nation relating to the p ndice of in Blog. 4, to	named in Block 3 matter indicated in
USCIS Official named in Block 3 /our testimony and/or production of the indica nquiry relating to the enforcement of U.S. imm ou to an order of contempt by a federal Distri	ted records is required in con higration laws, and it to	onnection with an ir	oena may subject
3. (A) CBP, ICE or USCIS Official before whom y	ou are re vireo ppear	(B) Date	
Name			
Title •	\sim	(C) Time	🔀 a.m. 🗋 p.m.
Telephone Number			_
4. Records required to be produced to inspect on			
SPARTA	5. Authorized Official		······································
If you have any questions regarding	(Sig	nature)	
	(Printi	(Printed Name)	
		(Title)	
this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.	(1	Date)	
DHS Form I-138 (6/09)			

Appendix G Federal Judicial Subpoena (Form AO 88B)

UNITED STATES D			
Paintiff) v.) Definition)	Civil Actim No.		
	SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION		
To:			
(Have of person to what	n das subgenne is die 🛛 🛲		
Production: YOU ARE COMMANDED to produce a locaments, electronically stored information, or objects, and to naterial:			
Place:	. de and Time:		
baspaction of Promises: YOU ARE COMMAN 'KD ther property possessed or controlled by you 'the time, on 've may inspect, measure, survey, photograph, test, 't s7' 4- 'the Place:	, and location set finth below, so that the requesting party		
The following provisions of Fed. R. Civ. P. 45 are atta tale 45(d), relating to your protection as a person subject to a report to this subgroups and the potential consequences of no Date: CLERK OF COURT			
Signature of Clark or Dapaty Clark	Atterney's signature		
the name, address, e-mail address, and telephone number of th			
	, who issues as requests this subposed, are		
	s er requests this subports		