



**NATIONAL  
IMMIGRATION  
LAW CENTER**

# **How Immigration Enforcement Impacts Small Business & Local Economies**

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# NATIONAL IMMIGRATION LAW CENTER

The National Immigration Law Center (NILC) is the one of the leading advocacy organizations in the U.S. dedicated to defending and advancing the rights and opportunities of low-income immigrants and their loved ones.

Established in 1979, we drive lasting, transformational change at the intersection of immigrant, economic, and racial justice through impact litigation, policy advocacy, movement-building, and narrative and culture change.



# Agenda

- Changes in law & policy
- Understanding legal rights
- What to do?

**Disclaimer:**

The materials and information provided during this presentation are for general informational purposes only. You should not consider nor act or refrain from acting upon them as legal advice. Your receipt of the information and materials, and any communication during the presentation does not create an attorney-client relationship.

# Changes in Law & Policy

# Immigration Enforcement Changes

- Enforcement efforts increasingly focused on tracking down individuals and **arresting in communities** (as opposed to those already in law enforcement custody) which can include at the workplace, all of which ICE acknowledges are more unpredictable and dangerous
- Ending of temporary protected status, parole, and other forms of temporary status for many individuals, **rendering additional people undocumented**—there may be more people in your businesses or living in your facilities who are undocumented than you think
- Executive orders lead to **more severe consequences for interaction** with immigration enforcement increases in use of detention, expansion of expedited removal (deportation without judicial proceedings), and deportation to third country
- Greater **variation in experience and training in interior immigration enforcement** with hiring of 12,000 ICE officers but training cut to less than half; deployment of Border Patrol agents in large numbers across the country; and use of other federal agents including FBI, DEA, AFT, and even IRS.

# Understanding Legal Rights



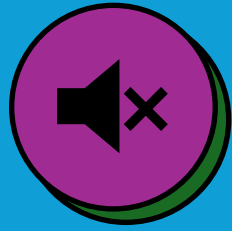
# Legal Protections

- Governed by the **Fourth Amendment** protections against *unreasonable search and seizures*
  - Is there a reasonable expectation of privacy in an area?
  - Items in “plain view” are deemed not “private”; can make “collateral” arrests
  - ICE MUST have a judicial warrant to enter private spaces, *unless* you consent
- 5th Amendment right to remain silent



All immigrants have  
the right to:

*Todos los  
inmigrantes tienen  
el derecho a:*



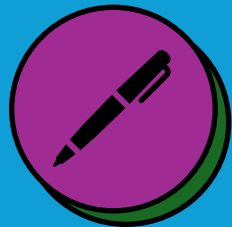
Remain silent/Not Answer Questions  
*Permanecer en silencio/No responder a Preguntas*



Ask to contact a lawyer  
*Pedir comunicarse con un abogado*



Not consent to a search  
*No dar permiso para un registro*



Not sign anything  
*No firmar ningún documento*



Ask if being arrested – if not, walk away  
*Preguntar si le están arrestando – si no, alejarse.*

# Judicial vs. Administrative Warrants

AD 103 (Rev. 12/00) Search and Seizure Warrant

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of California

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*  
██████████  
Davis, California 95616

Case No. \_\_\_\_\_

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer **211-SW-0161 EFB**

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 EASTERN District of CALIFORNIA  
*(Identify the person or describe the property to be searched and give its location):*  
SEE ATTACHMENT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be seized):*  
SEE ATTACHEMNT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before 5-9-2011  
*(not to exceed 11 days)*

in the daytime 6:00 a.m. to 10 p.m.  at any time in the day or night as I find reasonable 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 \_\_\_\_\_  
*(name)*

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):* Either \_\_\_\_\_ days *(not to exceed 30)*  
Or until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: 4-25-2011  
9:10:00 AM

City and state: SACRAMENTO, CALIFORNIA

Edmund F. Brennan  
U.S. MAGISTRATE JUDGE

Is this the right address?

Is it still current?

Note: only the person, property, and areas specified may be searched

Is it actually signed by a judge?

IF THE ANSWER TO ALL OF THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL WARRANT

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
**WARRANT OF REMOVAL/DEPORTATION**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

To any immigration officer of the United States Department of Homeland Security:

\_\_\_\_\_ (Full name of alien)  
who entered the United States at \_\_\_\_\_ on \_\_\_\_\_ (Place of entry) (Date of entry)

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

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 the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

\_\_\_\_\_  
(Signature of immigration officer)

\_\_\_\_\_  
(Title of immigration officer)

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION WARRANT



# But...

- Leaked memos about use of administrative warrants are an example of lawless action by the federal government
- To not seek to enforce constitutional rights is to effectively consent
- Documentation is important

# What to Do?



# Important Things to Know

- Fourth Amendment depends on who has control: a business owner/supervisor, a multi-unit housing facility landlord, an individual homeowner or tenant – this is who can invoke and require a warrant
- Many locations of business are public by nature, so even with the best intentions there may be limits
- There is more that you can do beyond just protecting spaces, but think of supporting everyone

## What a private space looks like

- Clearly marked signage that labels areas as inaccessible to the general public
- A closed door separates public area from private areas
- A person must have to be granted entry or escorted into the private space, such as a multi-unit housing building requiring someone “buzz in”
- Additional levels of privacy may exist: a person may be granted access to a hospital ward but not to every patient’s closed door
- Anything that can be observed with the senses from within a public space is not private



**PATIENTS ONLY  
BEYOND THIS POINT**

**ALL INDIVIDUALS  
WILL BE SCREENED  
PRIOR TO ENTRY**

**YOUR SAFETY IS OUR TOP PRIORITY  
THANK YOU FOR YOUR COOPERATION**

# Tip #1 - Write it Down

**Develop a written response policy and preparedness plans in advance.**

Consider things like:

- Identify which areas are public or private
- A "phone tree" of who to alert and when such as your leadership or local allies
- Step-by-step instructions for staff on what to do – or what not to do
- A list of things to document during the interaction with immigration officials



## Tip #2 – Assign Roles

**Designate an authorized person to review warrants and subpoenas.**

Other actions you can take include:

- Train non-authorized staff and volunteers on how to respond to ICE request
- Designate someone to document interactions with immigration enforcement
- Designate someone to calmly direct clients or community members

**PRACTICE! PRACTICE! PRACTICE!**



# Tip #3 – Safety in Community and Strength in Numbers

**Connect with immigration response networks in your local area.**

Consider connecting with:

- Immigrant or refugee rights organizations
- Legal services organizations and attorneys
- Basic needs providers
- Staff of your member of Congress
- City council members or local officials



# During enforcement action

*Agents could show up from ICE, CBP, or other government agencies (such as DEA), or even local police in some cases. Staff should follow guidelines for any agents*

- ✓ Stay calm, professional, and respectful.
- ✓ Request and record the officers' agencies, names, and badge numbers
- ✓ **Contact the authorized person/team** and inform agents that only that person can authorize entry or access
- ✓ Authorized individual should **evaluate any warrants to ensure it is a judicial warrant signed by a judge or magistrate**, that it is complete, and to determine its scope
- ✓ Authorized person should comply with valid warrants, monitor the agents, and can again refuse entry or access to anything beyond the warrant's scope
- ✓ Take notes and document the actions
- ✓ You can videotape the enforcement action (if not violating other obligations) but do NOT interfere/obstruct the agents or assist them. Keep focus on agents, don't share right away, and don't edit.
- ✓ You can remind people of their right to remain silent and speak to an attorney



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# Thank You

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## **NILC Resources:**

- [\*\*KYR: Warrants & Subpoenas: What to Look Out for and How to Respond\*\*](#)
- [\*\*KYR: Frequently Asked Questions: Leaked ICE Memos About Arrests and Warrants\*\*](#)
- [\*\*A Guide for Employers: What to Do if Immigration Comes to Your Workplace\*\*](#)