

Smith Dollar Law hosts Sonoma County ICE class for employers

Smith Dollar Law hosted a seminar to provide guidance to employers on what to do should officers from U.S. Immigration and Customs Enforcement show up at their places of business.



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Smith Dollar partner Glenn Smith introduces immigration law panel at the North Coast Builders Exchange on Feb. 24, 2025. (Susan Wood / North Bay Business Journal)

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With over 43% of the national economy fueled by small business, according to the U.S. Chamber of Commerce, Pepe's owner Nubia Hernandez finds federal policy that would inhibit economic growth as hypocritical.

The Santa Rosa restaurateur shared her thoughts, following a seminar last week hosted by Smith Dollar employment law specialists to help companies understand

their rights, should U.S. Immigration and Customs Enforcement (ICE) officers appear at their workplace. The seminar, held at the North Coast Builders Exchange, drew 20 human resources managers.

“There’s a lot of fear and paranoia. A lot of businesses want to ask questions. This is why I came to this,” Hernandez said.

She told attendees that, in addition to concerns from a handful of employees, her customers have expressed apprehension.

“Everybody’s scared to go out. I tell them: ‘You have to continue to live your life,’” she said.

According to Washington D.C.’s Pew Research Center data gathered in 2022, the hospitality industry in the U.S. constitutes 7.1% of undocumented workers, agriculture comes in second with 12.7% and the construction trade employs a 13.7%.

Smith Dollar Attorney Diane Aqui, the seminar’s facilitator, offered a litany of legal procedures ICE agents would either need to follow or the employer would be expected to know.

Aqui was joined on the panel by Hernandez and Monica Julian, executive director of VIDAS (Vital Immigrant Defense Advocacy & Services), a nonprofit law firm headquartered in Santa Rosa with a satellite office in Vallejo.

“What are people really afraid of?” Julian asked rhetorically, then answered with, “family separations and deportations.”

“People are afraid to go to work. People are not accessing medical care, not going to church, (or) the food bank,” Julian said. “But the one thing that gives me hope is

you people here. You all rock.”

Presentation - ICEE Feb 24 2025.pdf

Aqui launched the presentation with the reminder that hiring an undocumented worker or continuing to employ the person is “unlawful,” thus placing the burden of proof on the employer.

From there, Aqui laid out two types of violations. Civil penalties for “knowingly” hiring undocumented workers or failing to comply with Form I-9 employment verification requirements. Criminal violators engage in a pattern of recruitment of undocumented workers.

The U.S. Homeland Security Act of 2002, borne out of the 9/11 terrorist attack the previous year, uses three agencies to enforce the law: U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, and ICE, whose San Francisco office is closest to the North Bay.

Aqui explained how employer representatives might come into contact with ICE — through a document audit, a subpoena, and a search or arrest warrant.

Subpoenas consist of two forms — judicial, which is signed by a federal or state judge; or an administrative version, which is managed by an immigration judge or officer. The former is considered more serious, but the latter can be bumped up to judicial if ignored.

An ICE raid might result from a tip, or, data analysis may show discrepancies in employment documentation.

“Five years ago, I used to say, nobody shares information in government agencies. I can’t say that anymore. There will be sharing,” Aqui said.

Aqui strongly recommended companies appoint a designated person responsible for policy and to draft a plan for the possibility of immigration agents showing up at their business. She also suggested business managers call their immigration attorney. She agreed that video recording any such visit could help.

“Yes, it would be prudent to record the interaction. Employees need to know what to do,” the attorney said.

Aqui also agreed with the suggestion that construction companies make a concerted effort to keep a supervisor at a job site, in case something happens.

“And yes, for this, you should have a crew lead on the site,” she said.

Santa Rosa’s North Coast Builders Exchange CEO Lisa Wittke Schaffner said by phone that the construction companies that are part of her membership group already follow this advice.

“I think it’s always good to be prepared. We have good owners and managers who care about their people,” she said.

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