

## Immigration Enforcement Visits or “Raids”: Standard Operating Procedures

Immigration site visits are on the rise and can occur without notice. The most common involve paperwork audits. In some cases, certain employees are targeted. Note: California law, in particular, limits access when there is no judicial warrant.

### ***Enforcement Agencies under the Department of Homeland Security***

- Homeland Security Investigations (HSI) collects and inspects employers I-9 Employment Eligibility Verification forms and other paperwork for compliance.
- Immigration & Customs Enforcement (ICE) enforces immigration law and can initiate deportation proceedings. ICE agents are not police, but they can carry guns and may have gear that says “Police” or ERO (Enforcement & Removal Operations).
- Customs and Border Protection (CBP) may use affiliated Border Patrol agents within the 100-mile zone next to any land or maritime border to conduct checkpoints and question individuals.
- U.S. Citizenship & Immigration Services (USCIS) audits employment-related immigration sponsorship and can make site visits.

### ***Before Any ICE or Other Immigration Officer Visit***

- Make sure I-9 forms and other immigration paperwork is complete and accurate. Do an internal I-9 audit and fix errors.
- Designate a person or department (such as Human Resources or Legal) as the point of contact. Mark areas “PRIVATE.”
- If you have received a Social Security Administration “No-Match” letter, document steps to try to resolve discrepancies.

### ***If/Once ICE or Other Immigration Officers Arrive***

- **Remain calm.** Try to remember names and pay attention to what is happening.
- Allow entry into public areas. Anyone, including ICE agents, can enter public areas of your business without permission. Public areas may include the lobby, reception area, front office, parking lot, and areas accessible to the public.
- Ask the agents for identification, a follow-up phone number, and notices or other paperwork explaining why they have come.
- Contact Human Resources, a manager, the company attorney, or the person designated for contact.

### ***Types of Paperwork***

- **Notice of Inspection** – this is an ICE/HSI request to present I-9 forms in 3 business days. Contact an attorney before responding.
- **Immigration Enforcement Subpoena** – this usually requests other documents along with the I-9s.
- **Judicial arrest or search warrant** – this warrant is signed by a federal court magistrate or judge. It may allow ICE to enter private areas or seize documents. Read the warrant. Check validity and **do not give consent beyond the scope of the warrant.**
- **Administrative warrant** – this usually has “Department of Homeland Security” and is on Form I-200 or I-205, issued as part of an I-9 audit. If ICE shows you an Administrative Warrant with an Employee’s name on it:
  - o You do NOT have to say whether the Employee is working that day.
  - o You do NOT have to take the ICE agents to the Employee named on the warrant.Without a valid judicial warrant or subpoena, the employer should say “I cannot consent, and I do not consent.”
- **Inventory receipt.** If records are seized, ICE must give the company a receipt to inventory what they are taking.

### ***Communications with Employees During the Visit/Raid***

- Remind Employees to **stay calm** and **NOT** flee. ICE agents may chase people in “hot pursuit” and may arrest people suspected of violating immigration laws.
- You may video or record the ICE agents so long as you do not interfere with what they are permitted to do.
- With a judicial warrant, ICE may confiscate phones, laptops, etc., or they may “image” the technology without taking devices.
- Do not give consent for ICE to stop, question, or arrest anyone, or go everywhere they desire or take whatever they want.
- Do NOT help ICE agents sort people by their immigration status or the country they are from.
- All employees have the right to **stay silent and ask for an attorney.** Employees are not required to hand over any IDs or papers to ICE, though they may wish to do so.
- Any information that Employees give to ICE can be used against them later.
- Anyone who is arrested should ask for an attorney and a “show cause hearing.”

### ***Immediately After the Visit/Raid***

- Write or record these things after the officers leave:
  - o How many ICE agents were present (inside or outside)? What were their names?
  - o How were the agents dressed? How were they armed?
  - o Did the agents make you or your Employees believe you could not move or leave?
  - o Did the agents threaten or mistreat anyone? If yes, how?
- If ICE arrests anyone, ask the ICE agents where they are being taken.
- If there is an I-9 inspection, prepare the documents. You can request more than 3 days to produce the records.
- California and Oregon law imposes restrictions on employers when there are I-9 and other immigration records inspections.

**Form I-9 Notice of Inspection and  
Immigration Enforcement Subpoena  
Signed by agents from the ICE Homeland  
Security Investigations Division**



*Homeland Security Investigations  
Office of the Special Agent in Charge*

**U.S. Department of Homeland Security**  
1000 2<sup>nd</sup> Avenue, Suite 2300  
Seattle, Washington 98104

## NOTICE OF INSPECTION

SE19N825SE0011

Dear Sir/Madam:

Employers are required under Section 274A(b) of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA), to verify the identity and employment eligibility of all individuals hired in the United States after November 6, 1986. Federal regulation, 8 C.F.R. Section 274a.2, designates the Employment Eligibility Verification Form I-9 (Form I-9) as the means of documenting this verification.

Pursuant to Section 274A of the INA, the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI) Special Agent in Charge (SAC) Seattle is serving this Notice of Inspection ("Notice" or "NOI") to commence an inspection of your company's Forms I-9. Federal regulations afford employers **three (3) business days** notice prior to the start of a Form I-9 inspection. This Notice serves as your advanced notification that HSI has scheduled an inspection of your company's original (wet ink) Forms I-9, or electronically generated with audit trails and/or retained Forms I-9, as applicable, to commence **three (3) business days from the date of service of this Notice**. The Forms I-9 and supporting documents listed in the associated administrative subpoena, if any, must be received by HSI no later than **February 14, 2025**. **As of the service date of this Notice, do not make any amendments to the existing Forms I-9**. Any Forms I-9 that are prepared or completed after the service date of this Notice will not be part of this inspection.

**Your company may provide the requested Forms I-9 and any related supporting documents to the HSI office named in the letterhead of this Notice in one of the following ways: certified mail, hand-delivery, or by contacting the HSI Special Agent identified in this Notice to schedule a time for these items to be collected by the HSI Special Agent at your company's place of business.** Your company may also wish to provide a list of the items it will present to



U.S. Immigration  
and Customs  
Enforcement

## **HOMELAND SECURITY INVESTIGATIONS**

*Office of the Special Agent in Charge*

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HSI, including the total number of Forms I-9 submitted for inspection. Upon receipt of the original (wet ink) Forms I-9, electronically generated with audit trails and/or retained Forms I-9, as applicable, any related supporting property (e.g., CD, external hard drive, etc.) containing such items, as requested, an HSI Special Agent will provide a receipt that documents such items received from your company. Only original (wet ink) Forms I-9, electronically generated with audit trails and/or retained Forms I-9, as applicable, any related supporting documents, and/or any property containing such items (e.g., CD, external hard drive, etc.), as requested in this Notice and/or an administrative subpoena, if any, will be documented on the receipt provided by HSI.

This inspection will cover all your current employees as of the date of service of this Notice, and employees who were terminated within the three months prior to the date of service of this NOI. Your company may also wish to provide a list of all covered employees with hire dates and, if applicable, termination dates. This inspection is for employees employed by the above captioned during the requested time period at the following location(s):

[REDACTED]

During the inspection, the undersigned will discuss the requirements of the applicable federal laws and regulations with you. In addition to presenting your company's Forms I-9, your company will need to present copies of any identity and/or employment authorization documents copied as part of the employment eligibility verification process. If your company utilizes an electronic system or software product to create electronically generated/modified/stored Forms I-9, you will need to present: the name of the electronic system or software product utilized; the internal business practices/protocols related to the generation of, use of, storage of, security of, and inspection and quality assurance programs for, your electronically generated/modified/stored Forms I-9. In addition, you will need to present: the indexing system identifying how the electronic information contained in the Form I-9 is linked to each employee; documents describing the system used to capture the electronic signature, including the identity and attestation of the individual signing the Form I-9; and the audit trail for each electronically generated/modified/stored Form I-9. Further, pursuant to 8 C.F.R. Section 274a.2(e)(8)(ii), the undersigned may contact you to schedule a demonstration of the generation of an electronic Form I-9 by the electronic system or software product used by your company.

The purpose of this inspection is to assess your compliance with the federal laws and regulations applicable to employment eligibility verification. HSI will make every effort to conduct the inspection in a timely manner so as not to impede your normal business routine. Failure to provide the requested documents may lead to civil or criminal penalties.

If you have any questions with respect to this inspection and/or wish to discuss other Forms I-9 delivery options, please contact the undersigned.

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**HOMELAND SECURITY INVESTIGATIONS**

*Office of the Special Agent in Charge*

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If this Notice was served in person, you may waive the three-day notice period described above, if you wish to do so, by annotating and signing page three of this Notice and advising this office of your decision.

Sincerely,



Neil J O'Callaghan  
Group Supervisor  
[Neil.J.O'Callaghan@hsi.dhs.gov](mailto:Neil.J.O'Callaghan@hsi.dhs.gov)  
(202) 498-8082

For more information on how to properly fill out a Form I-9, please visit:  
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>.

**Waiver of the Three-Day Period**

I wish to waive the three-day notice to which I am entitled by regulation.

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date Waived)

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1. To (Name, Address, City, State, Zip Code)	<b>DEPARTMENT OF HOMELAND SECURITY</b> <b>IMMIGRATION ENFORCEMENT</b> <b>SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 267.4
Subpoena Number	
2. In Reference To	
<div style="display: flex; justify-content: space-between;"> <span>(Title of Proceeding)</span> <span>(File Number, if Applicable)</span> </div>	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. Immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear Name Title Address Telephone Number	(B) Date  (C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
4. Records required to be produced for inspection	



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official
(Signature)
(Printed Name)
(Title)
(Date)

1. To (Name, Address, City, State, Zip Code)	<b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>IMMIGRATION ENFORCEMENT</b> <b>SUBPOENA</b> to Appear and/or Produce Records 8 U.S.C. § 1226(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
Request for Documents and Forms I-9	
(Title of Proceeding)	(File Number, if Applicable)

By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:

- (A) ☐ APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date 06/20/2013
Name Sandra Hollicraft	
Title Auditor	
Address 1000 2nd Avenue, Suite 2300, Seattle, WA 98104	(C) Time 10:00 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number (206) 442-2235	

4. Records required to be produced for inspection

1) Original I-9 Forms, (Employment Eligibility Verification Forms) OR I-9 Forms electronically retained in a storage system, along with associated audit trails, and any copies of attached documents presented at time of I-9 completion for all current employees and all employees hired since November 1, 2011.

Items 2) - 11) are listed on the continuation sheet.



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3

5. Authorized Official

*Aaron G. Wilson*  
(Signature)

Aaron G. Wilson

(Printed Name)

Assistant Special Agent-in-Charge

(Title)

6-11-2013

(Date)

1. To (Name, Address, City, State, Zip Code)	<p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>IMMIGRATION ENFORCEMENT</b></p> <p align="center"><b>SUBPOENA</b></p> <p align="center">to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4</p>
Subpoena Number	
<p>2. In Reference To</p> <p align="center">Request for Documents and Forms I-9</p> <p align="center">(Title of Proceeding) (File Number, if Applicable)</p>	

**4. Records required to be produced for inspection continued**

- 2) **Employee roster or payroll report** listing current and former employees hired since November 1, 2011 containing the following information:
  - Full employee name (First Name, Middle Initial, Last Name) and date of birth
  - Social security number
  - Date of hire and date of termination (if applicable). If employee has multiple dates of hire, provide all dates of hire and all dates of termination occurring from November 1, 2011 to present.
- 3) **Monthly Payroll Reports** for November 2011 through May 2013 with wage detail by employee.
- 4) **Copies of the 4 most recent Washington State Unemployment Insurance Quarterly Tax Reports and Quarterly Wage Detail Reports.**
- 5) **Independent contractor roster** listing the dates of hire and termination (if applicable) for all independent contractors employed from January 1, 2012 to present.
- 6) **A current listing of all paid on-call individuals you employ on a sporadic, irregular, or intermittent basis and not deemed to be an employee.**
- 7) **Copies of any Citizenship and Immigration Services (CIS) Forms I-129 or I-140 petitions and Department of Labor (DOL) ETA-750 certifications submitted or received from 2012 to present.**
- 8) **Copy of articles of incorporation, business license and most recent annual report.**
- 9) **Employer Identification Number (EIN) and Taxpayer Identification Number (TIN) documentation. Names of all Managers, Supervisors and Legal Owners.**
- 10) **If available, copy of company procedures or policies regarding Form I-9 preparation.**
- 11) **Yes or No response to the following questions:**
  - **Participate in E-Verify program?**
  - **Previously received an I-9 inspection by the Department of Labor?**
  - **Obtain employees from a temporary staffing agency?** If yes provide the names of the temporary staffing agencies used from November 2011 to the present.



**Administrative Warrant  
Warrant for Arrest  
(Form I-200)**

## 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**

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.

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

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.

- ☐ 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.

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.

**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)

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.

**Certificate of Service**

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)

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

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

**Administrative Warrant  
Warrant of Removal/Deportation  
(Form I-205)**

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**WARRANT OF REMOVAL/DEPORTATION**

This is a warrant for civil immigration violations, not a crime. It is generally not enforceable by local law enforcement officers.

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

Date: \_\_\_\_\_

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

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.

\_\_\_\_\_  
(Full name of alien)

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

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

Many removal orders are issued by ICE or CBP agents without a hearing before a judge. These include expedited removal orders, administrative removal orders, and stipulated removal orders.

and pursuant to the following provisions of the Immigration and Nationality Act:

Although the underlying removal order may have been issued by a judge, this warrant for a new arrest still lacks any finding of probable cause by a neutral magistrate, which is the minimum standard for a constitutionally sufficient warrant.

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:

This warrant directs ICE or CBP to arrest and deport the person without any further hearing or judicial review.

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

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

\_\_\_\_\_  
(Date and office location)



To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

There is no place on this form to indicate that ICE/CBP checked whether the person expressed a fear of return, indicating that they might be eligible for asylum or withholding of removal.

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here.

☐

Departure Verified by:

(Signature and title of immigration officer)

Self-removal means that the person leaves the country under an order of removal or voluntary departure, but they are not detained in the process; they arrange their own departure to a destination of their choice.

**Judicial Arrest Warrant**  
**Signed by U.S. District Judge or**  
**U.S. Magistrate Judge**

# UNITED STATES DISTRICT COURT

for the

United States of America  
v.

Case No.

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment      ☐ Superseding Indictment      ☐ Information      ☐ Superseding Information      ☐ Complaint  
☐ Probation Violation Petition      ☐ Supervised Release Violation Petition      ☐ Violation Notice      ☐ Order of the Court

This offense is briefly described as follows:

The warrant must be signed and must list that the signatory is a U.S. District Court Judge or U.S. Magistrate Judge

Date:

Issuing officer's signature

City and state:

Printed name and title

### Return

This warrant was received on (date) , and the person was arrested on (date) at (city and state)

Date:

Arresting officer's signature

Printed name and title

**Judicial Search Warrant**  
**Signed by U.S. District Judge or**  
**U.S. Magistrate Judge**



**Judicial Search Warrant**  
**Signed by U.S. District Judge or**  
**U.S. Magistrate Judge**

## 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.

Make sure the warrant  
 has your correct name  
 and address

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

## 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);*

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

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);*

The search can only be  
 executed at the time indicated  
 here

**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

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

## UNITED STATES DISTRICT COURT

CERTIFIED TRUE COPY  
 ATTEST: WILLIAM M. McCOOL  
 Clerk, U.S. District Court  
 Western District of Washington

for the  
 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

[Signature]  
 Judge's signature

City and state:

SEATTLE, WASHINGTON

MARY ALICE THEILER, U.S. MAGISTRATE JUDGE

Printed name and title

2016R00055







## **ATTACHMENT B**

### **Items to Be Seized<sup>i</sup>**

The items to be seized are the following items or materials<sup>ii</sup> that may contain evidence of the commission of, the fruits of, or property which has been used as the means of committing, federal criminal violations of Title 18 U.S.C. § 1001 (false statements), 18 U.S.C. § 371 (conspiracy), 18 U.S.C. § 1028A (aggravated identity theft), 18 U.S.C. § 1546(s) (visa fraud), 18 U.S.C. § 1028A (aggravate identity theft) and 18 U.S.C. § 1341 (mail fraud), for the period 2012 to the present:

- a. Evidence, fruits, and instrumentalities of violations of Title 18 U.S.C. § 1001 (false statements), 18 U.S.C. § 371 (conspiracy), 18 U.S.C. § 1546(s) (visa fraud), 18 U.S.C. § 1028A (aggravate identity theft) and 18 U.S.C. § 1341 (mail fraud).
- b. Files, records, and other items showing residency and/or dominion and control of the places to be searched, including but not limited to keys, receipts, bills, canceled checks, mail envelopes, rental agreements, telephone records and bills, utility bills, and internet/cable provider statements;
- c. Files, records, and other items relating to applications for visas and other forms of legal status in the United States, including but not limited to, visa applications and attachments, drafts of visa applications and attachments,<sup>iii</sup> information regarding the preparation of visa applications and attachments, correspondence relating to visa applications and attachments, material (e.g., contracts, offer letters, job specifications) used in visa applications and attachments, notes and other contemporaneous documents regarding visa applications and attachments; and discarded material evidencing false documents and information in visa applications and attachments;
- d. Files, records, and other items relating to employees, including but not limited to offers of employment, employment contracts, Security Deposit Agreements, Master Services Agreements, Statements of Work, resumes, wage or salary information, employment offers, travel documents, identification documents, records relating to dates

of retention and termination; and discarded material evidencing false documents and information with regard to employment or contracting relationships;

e. Files, records, and other items relating to the marketing of employees, including but not limited to marketing materials, memoranda regarding employees, staffing calendars, worker schedules, timesheets, attendance records, interview schedules, requests for specialized labor from prospective clients;

f. Files, records, and other items relating to financial transfers with foreign-national employees and/or clients or vendors with which those employees were placed, including records showing the wiring or transfer of money or currency from copies of checks and/or actual wire transfer instructions, wire receipts, and/or bank account records showing the wiring or transfer of money via check or wire.

g. Any computer equipment or digital devices that are capable of being used to commit or further the crimes referenced above, or to create, access, or store evidence, contraband, fruits, or instrumentalities of such crimes, including central processing units; laptop or notebook computers; personal digital assistants; wireless communication devices including paging devices and cellular telephones; peripheral input/output devices such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communication devices such as modems, routers, cables, and connections; storage media; and security devices. The authority to seize computer equipment or digital devices includes the authority to search the following computer equipment or digital devices for the items set out in the preceding paragraphs<sup>iv</sup>:

i. Any computer equipment or digital devices used to facilitate the transmission, creation, display, encoding, or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners that are capable of being used to commit or further the crimes referenced above, or to create, access, process, or store evidence, contraband, fruits, or instrumentalities of such crimes;

ii. Any magnetic, electronic, or optical storage device capable of storing data, such as flash drives, floppy disks, hard disks, tapes, CD-ROMs, CD-Rs, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, personal digital assistants, and cell phones capable of being used to commit or further the crimes referenced above, or to create, access, or store evidence, contraband, fruits, or instrumentalities of such crimes;

iii. Any documentation, operating logs, and reference manuals regarding the operation of the computer equipment, storage devices, or software;

iv. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices, or data to be searched;

v. Any physical keys, encryption devices, dongles, or similar physical items which are necessary to gain access to the computer equipment, storage devices, or data;

vi. Any passwords, password files, test keys, encryption codes, or other information necessary to access the computer equipment, storage devices, or data; and

vii. All records, documents, programs, applications, or materials that show the actual user(s) of the computers or digital devices during the time the device was used to commit the crimes referenced above.

h. Records showing the subscriber or account holder of any IP addresses and records showing the subscriber or account holder of any wireless internet access devices.

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<sup>1</sup> The search of the SUBJECT LOCATIONS and the initial seizure of authorized records, computer and digital devices will be wholly conducted by law enforcement agents who, after the search and seizure, will have no further role in the investigation of this matter, other than to establish chain of custody and, if needed, to provide information and/or testimony regarding the conduct of this search and seizure. The search and seizure team will be advised as to the identities of all relevant counsel and will be instructed to avoid review of any material that may constitute



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attorney-client communication or attorney work product, never communicate to members of the investigative team the contents of such suspected privileged material, and seize only material authorized by this warrant.

<sup>ii</sup> As used in this Attachment, the term "records" includes all of the items described in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, paper, digital, and/or magnetic forms. It also includes items in the form of computer hardware, smart phones, software, documentation, passwords, e-mail, and/or data security devices.

<sup>iii</sup> Because the last petition relating to \_\_\_\_\_ was filed in July 2015, the Government only seeks authority to seize actual applications and drafts of applications that were filed between 2012 and July 2015. The Government nevertheless seeks authority to seize the other application-related materials (such as correspondence) beyond the July 2015 date, because the Government has reason to believe that the SUBJECT COMPANIES continued to market foreign-national employees after that date.

<sup>iv</sup> As set out in the Affidavit, the law enforcement agents who execute the search warrant will make every effort to determine, through statements by employees and otherwise, whether particular digital devices are solely for personal use and have not been used to access the SUBJECT COMPANIES' files and/or servers. In the event that such devices are determined to be for purely personal use, law enforcement officers will not seize and search them.