

Ep #30: ICE Raids: What Restaurant Owners Need to Know with Immigration Attorney Helen Lawrence



Full Episode Transcript

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Patrick Totah and Andy Mirabell

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Welcome to *Restaurant Deal Making EXPOSED!*, the only show that equips you with everything you need to know about restaurant transactions. In this show, we tell you all about how to make the sale or purchase of your restaurant not just possible, but successful. Now, here are your hosts, ex-restaurateurs, and seasoned brokers, Patrick Totah and Andy Mirabell.

Patrick Totah: Hey everyone, we are here today with Helen Lawrence, and a little intro here on what we're doing today. With immigration crackdowns back in the headlines and talk of renewed ICE raids picking up, along with most notably the protests in Los Angeles and beyond, restaurant owners are facing serious questions about risk, compliance, and how to protect their teams.

The restaurant industry has long relied on immigrant labor, and shifts in enforcement policy can create major disruptions to staffing, operations, and even deals in progress. That's why we're doing this episode today. We're joined by immigration attorney Helen Lawrence to break down what's happening now, what increased enforcement could look like, and what restaurant owners, buyers, and sellers need to understand to stay protected and prepared.

Helen Lawrence is a principal attorney at the Law Offices of Helen Lawrence, a client-first, multilingual immigration practice that fights hard for people inside and outside the courtroom. Whether it's in asylum, family petitions, U visas, DACA, or deportation defense, Helen handles it all. She's especially known for tackling complex cases, including those involving criminal issues and vulnerable youth. Clients describe her as fierce, honest, and deeply compassionate. And beyond legal work, she's committed to the community, offering free and low-cost support for naturalization, helping connect clients with the mental health services, and always showing up for those who need an advocate.

Andy Mirabell: That's quite a background, Helen. Thank you for joining us. It's very admirable what you do to take this portion of the law and vulnerable people, and really invest your professional life and time into that. So, thank you. Do you want to tell us a little bit more about it? Because it's such a niche role that you do within your world. Can you sum it up for us what you do?

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Helen Lawrence: Yeah, thanks for having me, by the way. We provide direct immigration legal services to immigrants before immigration courts and immigration agencies. And so, as was mentioned, that could be seeking various forms of legal status or defenses against deportation, including asylum, applications for lawful permanent residency, which is your green card, DACA, U visas, all of that. We work, a lot of our clients live in the Bay Area, but we represent people across California and also in different parts of the country.

Andy Mirabell: Wonderful. Cool. Well, thank you so much for coming on with us and using your valuable time, you know, to share a little bit with our listeners on our podcast. Obviously, we come from a niche part of our industry as well. We're restaurant brokers, but we also are ex-restaurateurs who have had restaurants in the Bay Area and abroad. Okay? So, this is a subject that is very near and dear to us and our clients as well.

I feel like my clients continue to go through, restaurant owners, bar owners, and so on, they just keep going through these new, these layers and layers of challenges. And that's never been anything new for the restaurant industry.

Patrick Totah: Yeah.

Andy Mirabell: But to have uncertainty around your beloved team and your staff, I mean, if they can come to work, if they're going to be taken forcefully out of work and never return, I mean, these are just really, really ugly topics to talk about and scary things. So, we're tackling this today a little bit, and we're happy to have you on. How would you describe the current climate for undocumented workers in the hospitality industry, you know, or as a whole, given that there's this new renewed focus on immigration enforcement and pending ICE raids, you know? So, what do you think, how can you sum up the climate of what's going on right now?

Helen Lawrence: I think it's really bleak and it's really scary. And there's a lot of uncertainty and constantly shifting tactics. So, I think on a whole, the effort is to scare people. The administration appears to be doing what they promised to do, what people voted them in the office to do, which is to carry out mass

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deportations, and they're figuring out how to do that. And so far, it looks like going after low-hanging fruit first.

So that's where you're seeing them pick up people who already have deportation orders that they know about. They're picking up people who are complying with different parts of their immigration process, going to required check-ins with immigration, or going to immigration court or interviews, because those people are literally coming to them.

Andy Mirabell: I like that you pointed that out. I mean, and it's really sad to see that someone who is complying with what the requirements are to, you know, deal with their immigration status or become, you know, a permanent resident, it's shocking to know that those are the folks that are showing up on time and abiding by the rules and laws and they're getting punished for it. So, I guess my next question is kind of a moot point. Are you feeling this is a perceived threat or a very real threat? This is a very real threat, and it's keep it's coming from the highest, most powerful person and party in the country, right?

Helen Lawrence: Yes, I would agree. I think it's a very real threat, and I think they have, again, they have these low-hanging fruits as targets, which are people who are just very easy for them to get. And then there are the collateral damages that go along with that, which are people who are not on their radar, who happen to be living with or near the people that they're going after.

Patrick Totah: Yeah. So, I'm a restaurant in the Bay Area, and I have a team of employees, and I have all of my ducks in a row. I have an I-9 and, you know, copy of a Social Security card and driver's license or, you know, ID card. What is the risk there? Like, are they coming? You said low-hanging fruit earlier. Tell me a little bit more about just the non-low-hanging fruit, like people that are showing documentation, whether real or not.

Helen Lawrence: Yeah, I mean, I think there's so many ways to start with this question. I think we are seeing in terms of like worksite enforcement actions, I think they are going more towards agriculture and meatpacking industry locations because there are so many people there at once. It's a way, again, I

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think another way to summarize what's happening is they're trying to meet quotas. They're trying to arrest as many people as possible. And so going to individual, smaller restaurants is not the most efficient way. And this is just me hypothesizing.

I think what we're seeing is the raids that are happening are, and the focus is probably going to be more on these bigger sites where they can, they feel more confident that there are more people working there without authorization. So the bigger the site, the more it falls into the category of low-hanging fruit that they have better odds at finding undocumented people. But that said, I wouldn't say that any like restaurant is immune to the threats of an enforcement action. So we can talk about things that employers can do, like in the weeds or like big picture. And then there's also just the reality of the impact of these strategies on whether your workers feel safe showing up at work.

Andy Mirabell: Yeah, absolutely. And we'll get into that too a little bit more in more detail. Was it not said in the media now that our president may not go after restaurant, farming, or, you know, hospitality, hotel employees? And is that reality right now?

Helen Lawrence: So, I was hopeful to hear last week, there appeared to be a softening by the president or a realization of like the impacts of these mass deportations on these particular industries that are also part of his base, but are also just like part of everyone's daily living.

So, President Trump said last week that they may not be going after industries like agriculture and hospitality. However, as recently as yesterday and today, there were news stories leaking that the Department of Homeland Security had reversed that softening and that no industry is immune or off-limits from the enforcement action. So, I think it's a little bit of whiplash, and I'd say we're kind of back where we started.

Andy Mirabell: Sure sounds like it. Wow.

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Patrick Totah: If you have an undocumented employee working for you, is the company at risk, or is it just the employee at this point? Are they just basically taking away the undocumented employees, or does the company face any kind of consequences?

Helen Lawrence: So, there are I-9 investigations and I-9 audits. While that's not my area of expertise, I don't usually represent employers, and there are attorneys who do that work. I'm generally the person who would represent an employee.

So, I mean, employers have their I-9 obligations, and they could be subject to an I-9 audit, but I think what we've seen in the news, I've not heard of any sort of headlining I-9 employer investigations. This seems to be very targeted at just getting individual employees and getting those numbers of deportations up. So, I would say what we're seeing is that employees are at risk.

Andy Mirabell: Yeah. I mean, a more logical thought may be that if we wanted to crack, if the country was in consensus that they wanted to crack down on illegal immigration and such, that you may want to go after the... dig into the employer, see if they're hiring appropriately and the right people. That's a whole different can of worms, but you're right about going after this low-hanging fruit. It's like, let's just go after the people and take them out forcefully. It just sounds crazy.

Helen Lawrence: Yeah, I mean, I think historically, employer sanctions and kind of going after employers is unpopular. So, even if that is a solution, it's not a popular one, even no matter what party you're a part of. And also, to give the employers some breathing room, like determining, there are your I-9 requirements, but this stuff is incredibly complicated, and like determining somebody's legal status is a very complicated inquiry. And so, there's lots of room for, there's lots of possibility of making a mistake even when you're trying to comply.

Andy Mirabell: Are you aware of any steps that an employer could do to verify their workers? You know, and is that something that they should be being proactive to do in current day's times? Not that they shouldn't have done it

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already, I'm saying, but you're right, it's not easy to prove this stuff as a small business owner.

Helen Lawrence: I think there's no requirement, and nor should employers go beyond the I-9 requirements. So, you know, an I-9 is required for all new employees. You have to keep the I-9 forms on file for 3 years after hiring, 1 year or 1 year after the worker's last date of work, whichever is later. You do not need to keep copies of the worker's IDs or work authorization documents. So, I think employers should just do what's required of the I-9, and they are not immigration lawyers. They should not be trying to sleuth this out themselves.

Andy Mirabell: I think that's fantastic to point that out, and thank you for saying that, Helen. I think that may take a little bit of pressure off of the business owners themselves to just know, oh my gosh, am I doing the right thing? If you've done your due diligence and you have the I-9s and the related documentation that go along with it, you've done your job as an employer.

Helen Lawrence: That's right.

Patrick Totah: Okay. Yep. So, what can employees do or, you know, employers, like if, you know, there is an ICE raid, what can they do to prepare themselves for this kind of thing?

Helen Lawrence: Sure. Yeah. So, I mean, one recommendation is to make a plan ahead of time for your restaurant. You could talk to other restaurants or business associations to see what they're doing to prepare. You could practice like a fire drill so that the more you're prepared, the more you will know what to do and say because it's very intimidating to have officers who, you know, ICE officers might have uniforms that say ICE, they also might just have uniforms that say police, which is very confusing. Or police may work with ICE, and so it may be this sort of joint operation, but it's a very intimidating atmosphere. So, if you make a plan, and we can talk about what could be in that plan...

Andy Mirabell: Is the plan like, get your beloved employees out the back door and leave? Is the plan sit and comply? Yeah, I'm just trying to get a sense of...

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Helen Lawrence: Yeah. So, you want to train them not to talk to ICE agents and not to allow them into your workplace. There are public parts of restaurants, I imagine, that they are allowed to enter without a warrant, but there are also private parts of restaurants that I'm not allowed to go in. And so, really marking the private parts of your restaurant as such, like having signage that like past this door, private.

They cannot go past. They can go in public settings without a warrant. They cannot go into private areas of a business without consent, which is usually how they're getting there, is they're just asking and someone saying yes. And so, that's part of the training for the plan is to train everyone that no officers get to go past this point unless they have a judicial warrant. And most of the time, ICE does not have a judicial warrant. Occasionally, they'll have something called an administrative warrant, and that is actually not valid.

And so, the way you can tell the difference between a judicial and administrative warrant is the judicial warrant is signed by a judge. So, when you look at the warrant, and you asked if they're asking to come into a private area, you're going to say, do you have a warrant? If you do, may I see the, can I see the warrant? You look at the warrant, and you want somebody senior doing this, like the owner or, you know, the most...

Andy Mirabell: General management, yeah.

Helen Lawrence: ...who's there, and they want to be trained on this to see that there's a signature that says a judge under it. If it is not, if it is an ICE administrative warrant, that is not valid for entering in a private space.

Andy Mirabell: If it was signed judicially by a judge, are you saying then they do have the right to go where they please if that judge permitted them to do so?

Helen Lawrence: They do. Yes, they do. And you want to like look at what the scope of the warrant is, what they're, it should outline, they never get a judicial warrant, first of all. But if they did, because that would mean a judge would have to like sign off that they have done all of their homework, and they have like,

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probable cause to get in there. And they're just not doing that investigation in advance.

So, we're not seeing this, but if they did and they had a judicial warrant, there's still like a scope of the warrant in terms of like where they're allowed to search and what they're allowed to search. And there are limits, like if you have like legally attorney-client privileged information, they're not supposed to be taking that. So, there are limits to what's in a search warrant.

Andy Mirabell: Patrick, did you, looking through our clients and our restaurateurs' lenses, the owners, I would never have thought to say, "we need a fire drill for this type of scenario." It seems very logical and very appropriate given what Helen is saying, because when someone of authority with a badge or whatnot comes into your business or approaches your personal space at any time in your life, it's nerve-wracking. You don't always act. You know, it's hard to know what to do to protect yourself and those around you.

Patrick Totah: Yeah. And I mean, I think what I'm learning right now is that if I owned a restaurant right now, I would probably get my management team together and inform them on what they should and should not do, and just make sure that it's all understood. And then from there, you just got to have people who, you know, are executing these plans as Helen is talking. Is there anything right now, like is there, is sanctuary cities like just off the table? Is there no such thing as that?

Helen Lawrence: So, sanctuary city is a concept. It's like a spirit. It's like, as a city, we are not going to be cooperating with immigration, but it is not any one thing. And I think right now, any city that has these sanctuary-like policies is actually just a target for this administration. So, it doesn't really matter. It just would mean that it is unlikely that our police officers would be helping ICE with it, but it doesn't mean anything about whether ICE themselves would, and so far in LA, I mean, I think the ICE raids we saw were all ICE, not L.A. Like I know there's been this aftermath of various law enforcements involved with protests, but the people actually effectuating the immigration raids were ICE officers. So, I think if anything, sanctuary just means that...

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Andy Mirabell: A lack of cooperation. That's our ideology as a city, right?

Helen Lawrence: Yeah, we're not cooperating with ICE, but also under this administration, he's saying they're going to go after sanctuary cities. So...

Andy Mirabell: Well...

Patrick Totah: Yeah, I mean they use California and San Francisco as the liberal kind of playground, and they're going to go after that because it makes for good news and TV, I think.

Andy Mirabell: What, you know, I've noticed that when we read some of the articles about what's going on with the different perspectives of restaurant owners on how they're handling this, I've kind of seen three main tactics. One, you know, if the threat feels real, there's been restaurants that have closed down for the shift of the day or whatnot, because they're worried about what could happen to their team and so on. So that's one. That's more of, I wouldn't call that extreme. I think it's being cautious, but that is one tactic I've seen.

One was a kind of "wait-and-see" approach, I guess, quote unquote. Let's see how what we can hear in the news and through the undertones of other contacts and resources, and we'll wait and see. If the threat feels more real, then yeah, we can address it then and close down as needed. And then, you know, there's also another, there's another train of thought from some business owners saying, hey, my ducks are in a row, my paperwork's good. I'm not too concerned about it. Of course, we may be surprised at the status of immigration of some of our employees. However, we feel okay about what we have on file, and we're not doing much. So, I don't know. I don't think there's any right answer on this because it feels tense. But those are kind of what I've seen, what I've read.

Helen Lawrence: Yeah. Are you asking what of those strategies?

Andy Mirabell: Yeah, is there one that you would advise or lean towards?

Helen Lawrence: I don't know. That's such a complicated... I feel like it's like case by case. It just really is going to depend on your restaurant, the economics

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of your restaurant. It does seem like California's in the spotlight right now, but you know, from what I understand of your industry, like you can't afford to be shut down for very long.

Andy Mirabell: Absolutely not.

Helen Lawrence: Yeah.

Patrick Totah: Helen, I'm wondering, is it, so I've heard that if you are, you may be an undocumented employee and you can demonstrate that you've paid your taxes for the last 10 years that you have a pathway to gain residency or, you know, be legal or is that something that you're aware of?

Helen Lawrence: I mean, there is a defense against deportation for people who have been here for 10 years, who don't have prior deportations, who can demonstrate a very high standard of hardship to a US citizen or lawful permanent resident, which is a green card holder, a spouse, parent, or child. They also have to have good moral character during the last 10 years, and that would be including paying your taxes, and they can't have certain criminal convictions. So, there is a defense to deportation that results in somebody's green card if they win it, but it has a lot of requirements, and it's really going to depend on whether the judge is convinced that they've met all of them.

Patrick Totah: Got it.

Andy Mirabell: Good. Well, I mean, I think this information has just been all very helpful, useful, and a lot of things have come up, I think, for myself and Patrick and our listeners that may have been a surprise on how to, especially how to prepare and, you know, be aware of what's going on.

I think in conclusion, it was great that Helen really could share some viable ways to be prepared for restaurants, employees, and the operators to know what happens if indeed a raid does come. And I think, Helen, you're an absolutely fantastic example of someone who has their, you're the boots on the ground. You're the protector here.

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So, we really commend you for what you do because this just seems like it's just such a very scary, stressful, and also a situation that doesn't really have a right answer one way or the other for the person themselves and the business owner. It's a very hard topic, and I think it adds this level of stress and burden that is unnecessary, if you will. But thank you for what you do. It's really, really commendable.

Helen Lawrence: Of course. I have a couple like resources that I can share with you both if you have any like links in your podcast, to help restaurant owners.

Andy Mirabell: Yeah. Awesome. Thank you. We'll share that for sure. Let's lighten the mood a little bit. Helen, we have a little bonus question. We want to know if you could share a recent top dining experience that you've loved.

Helen Lawrence: So, I have three young kids, so I don't go out a lot.

Andy Mirabell: It can be cooking too. I know how you feel about that with the kids.

Helen Lawrence: You know where we've been going a lot is to Brooklyn Basin in Oakland, and there's a lumpia restaurant there, and our kids can ride their bikes on the like shoreline, and they have great beer and lumpia and a great kids' menu. So, we've done that a couple of Fridays in a row, and it's been a really nice summer Friday.

Andy Mirabell: Brooklyn Basin. I'm going to look that up. So, I have, my house is going to fill up with all little cousins and nephews, and nieces next week for vacation. They're all coming down to the Bay Area and staying with me. And I'm like, well, how can we make a reservation with like 7 kids and 14 people in San Francisco? You know, Spark Social, and now you said Brooklyn Basin. So, those are some good examples with kids. We like that.

Helen Lawrence: Yeah, they can take wheels out and like run around while you have beers and good Filipino food.

Andy Mirabell: There we go.

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Patrick Totah: Cool. That sounds amazing. Wow.

Andy Mirabell: Well, we both thank you so very much for taking some time out of your busy day to talk about this subject. It's very polarizing. We hope things calm down, but we really commend you for what you do, and thank you so much for your time, Helen.

Helen Lawrence: Yeah, thanks for having me.

Thank you all for listening to this week's episode of *Restaurant Deal Making EXPOSED!* If you're considering selling your business and would like a free consultation, reach out to patrickAndAndy@therestaurantsalesbroker.com or visit TheRestaurantSalesBroker.com to learn more.