

Construction Projects and ICE Enforcement: Preparing for Potential Disruption in California

California construction may not be feeling the effects of immigration enforcement yet, but many contracts and site protocols are not built for an unexpected ICE visit.

Immigrants account for more than 60% of California's construction industry, making job sites particularly vulnerable to disruption from changes in federal immigration enforcement. As enforcement intensifies, the risk of disruption to construction projects grows. An ICE visit could interrupt work, regardless of whether it results in arrests or identifies any employment violations. Workers may leave the site, access may be restricted and crews may be temporarily reduced, creating delays, added costs and coordination problems across the project.

But most California construction contracts were not written with an ICE visit in mind. Force majeure clauses, insurance programs and safety plans were built around weather, strikes and site accidents, not a federal agency showing up to check paperwork and, in the process, shutting down a crew.

While the risk hasn't fully materialized in California yet, the conditions for disruption exist, according to Jonathan Dunn, a construction attorney at SMTD Law LLP whose practice spans owners, general contractors and specialty trades across the state. Recent reports show a [spike in bookings into ICE detention centers, many of which have targeted immigrants with no criminal records](#). Therefore, attorneys should help construction clients prepare for the possibility of enforcement activity rather than waiting for it to happen.

The contract lesson from COVID-19



Construction counsel can look to COVID-era delay claims as a roadmap for navigating these potential delays. When pandemic mandates disrupted staffing and productivity, many contractors first reached for [force majeure](#) clauses and, according to Dunn, lost more of those arguments than they won.



"Force majeure provisions ended up being problematic for a lot of contractors during COVID-19 because they were written too narrowly. A provision might require a nationwide strike or an event meeting a technical definition of epidemic versus a pandemic," Dunn said. "It was more effective to position it more as a change in law because of the government mandates."

Construction contracts commonly provide some form of relief when a new legal requirement increases the contractor's time or cost, although the precise allocation depends on the contract. The same theory could apply to immigration enforcement. If a shift in federal enforcement policy affects staffing availability, worker experience levels or site access, counsel may be able to frame the disruption as a change in law rather than force majeure.

To prepare for a potential enforcement event on a job site, attorneys should shift their [contract drafting](#) approach now. Review whether change-in-law provisions:

- Cover changes in enforcement policies and governmental actions, not only newly enacted statutes
- Provide both schedule and cost relief
- Flow down consistently through subcontracts
- Contain workable notice and documentation requirements

The distinction matters because a contractor may recognize the disruption immediately but lose contractual relief by failing to give timely notice or establish its effect on the critical path.

Where site-level risk could arise



Construction site enforcement operations have been reported in [Texas](#), [Florida](#) and [Minnesota](#). An Associated General Contractors of America survey found that immigration enforcement had affected **nearly one-third** of responding firms, including worker losses and effects on subcontractor staffing. If similar enforcement activity reaches California, contractors could face the same staffing shortages, delays and subcontractor disruptions reported elsewhere.

"If ICE started showing up at construction jobs, you could have a security force interrupting work or a job shut down while everyone has to prove they're a U.S. citizen or have the proper authority to be here," Dunn explained. "It's a distraction—workers aren't focused on their work anymore. Now they're focused on, 'Am I going to be arrested? What about my family? What about my kids?'"

Even an operation that lasts only several hours could create broader consequences, including interrupted work, reduced productivity, worker absences, delayed inspections, resequencing and difficulty maintaining adequate crews. The effects may also extend beyond the employer directly involved if a subcontractor cannot provide the workforce promised under its agreement.

That makes subcontract language important. General contractors should review workforce-compliance representations, notice obligations, indemnity provisions and rights to request supporting documentation. Those provisions should allocate risk clearly without encouraging unlawful discrimination or improper reverification of workers. Employment and immigration counsel should guide the underlying authorization and verification practices.

For an enforcement visit itself, Dunn recommends the same protocol counsel would apply to any law enforcement raid.



"Stay calm, cooperate, ask for counsel or invoke your right to counsel, and be careful about voluntary statements. Then document the circumstance, including the duration and the impact, and any lingering effect on morale or productivity," Dunn said.

Fourth and Fifth Amendment protections apply on a jobsite as anywhere else, and documentation matters as much as the response itself. Project teams should detail when work stopped, which crews were affected, whether equipment remained idle, any activities that were resequenced and whether the event affected the project schedule. That information may be critical to a later request for time or compensation.

A new compliance layer to track



Adding to the complexity, California's [Workplace Know Your Rights Act](#) took effect Feb. 1, 2026, requiring employers to provide annual written notice of employees' constitutional and workplace rights. The notice must cover the right to advance notice of immigration agency inspections, protection from unfair immigration-related practices and constitutional protections against unreasonable searches and self-incrimination when interacting with law enforcement at work. It also allows employees to designate an emergency contact whom the employer must notify if the employee is arrested or detained during work hours.

This falls under employment law, but the compliance obligation lands on construction employers directly. A missed notice or a mishandled detention could create liability layered on top of any project delay. Construction counsel should not assume this sits outside their lane. All workers are protected under California labor law regardless of immigration status, and a client's exposure to a wage-and-hour or safety claim tied to a detention scenario is just as real as its exposure to a delay claim.

An emerging risk worth monitoring

While litigation does not appear to be imminent, the combination of a heavily immigrant-dependent trades workforce and active federal enforcement means that construction counsel should treat the possibility of disruption as a potential risk. Reviewing change-in-law language, aligning prime-contract and subcontract terms, coordinating with employment counsel on Know Your Rights Act compliance and having a documented protocol ready for a site-level enforcement visit are practical steps attorneys can take now to reduce confusion, preserve contractual rights and limit project disruption.



As immigration enforcement evolves and the potential for labor disruption grows, staying ahead of contract drafting, delay claims and compliance obligations will only become more critical.

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