

Insights

IMMEDIATE ACTION ITEM FOR ALL EMPLOYERS: RESPONDING TO NEW IMMIGRATION ENFORCEMENT ACTIVITIES

Jan 27, 2025

The new administration has hit the ground running on its promise to increase enforcement of U.S. immigration laws. Among the immigration-related executive orders signed in the first days of President Donald Trump's second term are measures aimed to expand federal agencies' ability to arrest or detain undocumented migrants. These measures include the ability of federal agencies to delegate authority to local law enforcement; the removal of previous restrictions on conducting raids in sensitive locations such as churches, schools, and hospitals; and expanding the use of expedited deportations. Employers in all industries and parts of the country should be proactive in taking any necessary measures to ensure hiring practices are in compliance with applicable immigration laws.

It is anticipated that the Department of Homeland Security (DHS) will pursue undocumented workers and their employers with increased fervor. Border Czar Tom Homan has said that the new administration will resume workplace raids, which were paused during the previous administration. As a result, employers can expect an increase in the enforcement of immigration compliance, particularly Immigration & Customs Enforcement (ICE) I-9 audits and raids. Indeed, unannounced ICE worksite raids have already begun, just days after the new administration took office. Audits and raids can be extremely nerve-racking, costly, time consuming, and disruptive to business operations if an employer is not adequately prepared. It is imperative that employers establish a compliant I-9 policy and practice, which includes conducting regular I-9 internal audits. Employers should also implement a Response Plan for unscheduled agency visits and be prepared to provide their I-9s on short notice to avoid business disruption that may ensue. It is also recommended that employers have a compliant Immigration Policy.

BCLP has a team of knowledgeable employment lawyers and other professionals who can help employers develop the recommended policies, practices, and plans. Our team also has experience assessing risks in this area from both a criminal and employment law perspective, as well as responding to audits and assisting when raids occur.

If you or your organization would like more information on this or any other employment issue, please contact any attorney in our Employment and Labor Practice Group.

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