

How Employers Should Prepare for Potential Immigration Enforcement Activity Under the Trump Administration

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09.11.2025

Introduction

The Trump administration has announced an expansion of immigration enforcement in the Chicago area, including additional Immigration and Customs Enforcement (ICE) agents, Homeland Security Investigations (HSI) agents, and even National Guard resources.

Employers should anticipate the possibility of unannounced worksite visits and **train public-facing staff in advance** on how to respond appropriately. Proper preparation now can protect your business, employees, and legal interests.

What to Expect if ICE/HSI Arrives

- Agents typically arrive unannounced and will ask to see a senior company official.
- They will present credentials – usually a badge or business card. Staff should carefully record the agent's name, title, phone number, and the time of arrival.
- Agents will state the nature, purpose, and scope of their visit.

What Employers Should Do Immediately

Employers should **immediately** implement and train staff on the following step-by-step response protocol:

1. **Request Identification** – Politely ask to see credentials and record details.

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2. **Document Arrival** – Note the time agents arrive on-site.
3. **Clarify Purpose** – Ask agents to explain the nature and scope of their visit.
4. **Call Your Emergency Contact List** – Maintain a phone tree with designated upper management contacts who should be called *immediately*.
5. **Ask About Warrants** – Employers can refuse or reschedule a search **unless** a valid criminal or civil search warrant or subpoena is presented.
6. **Pause and Review** – If a warrant is presented, politely ask the agents to wait while your legal counsel reviews the document to confirm its validity and scope.
7. **Legal Counsel Involvement** – Laner Muchin attorneys are available on an urgent basis to review warrants, subpoenas, and advise on next steps.
8. **Accompanied Access** – If a valid warrant allows entry, ensure agents are escorted at all times by designated senior management.
9. **Do Not Chat Casually** – Be respectful but **avoid discussing company policies, employees, or the scope of the warrant**.
10. **Protect Employees** – Remind employees they have the right to decline an interview with ICE/HSI unless counsel is present.

Form I-9 Compliance – A Key Risk Area

ICE has the authority to investigate employer compliance with **Form I-9 regulations**. This often happens through a Department of Homeland Security (DHS) “Notice of Inspection,” which provides employers **72 hours’ notice** to produce I-9 records.

Best Practices for Employers for I-9 Compliance:

- Maintain a **correctly completed Form I-9 for every employee**.
- **Never hand over I-9s to ICE agents immediately upon arrival** — they must provide formal notice.
- Expect subpoenas alongside a Notice of Inspection in Chicago.
- Adopt a **consistent written I-9 compliance policy**.
- Conduct **regular internal or third-party I-9 audits** to identify and correct issues.

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How Laner Muchin Can Help

Our Immigration and Employment attorneys can:

- Conduct preventive **I-9 compliance audits**.
- Provide **training for staff and managers** on handling ICE/HSI visits.
- Be **on-call to review warrants or subpoenas** if enforcement agents arrive.
- Counsel on **remediation steps** to minimize exposure to civil or criminal sanctions.

Conclusion

Now is the time for employers to prepare. A calm, trained, and consistent response can protect your company from disruption and liability. Ensuring I-9 compliance and having a clear plan in place is the best defense.

If you have questions or need assistance in creating a compliance plan, training staff, or reviewing your I-9 files, please contact Laner Muchin's immigration team. Contact: Eileen Momblanco Lauren Cook
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