

ICE “Raids” In The News And How Employers Should Prepare

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Practice Areas

Business Immigration

The Trump Administration recently announced that Immigration and Customs Enforcement (ICE) will be conducting raids targeting undocumented immigrants in ten major U.S. cities, including Chicago. Employers should be aware that in addition to arresting individuals for immigration violations, ICE also has the authority to investigate companies to ensure they are in compliance with Form I-9 requirements. ICE may exercise this authority by way of an ICE inspection or through a Department of Homeland Security (DHS) I-9 audit. In order to safeguard against criminal or civil sanctions, companies should ensure that they have a strong compliance profile and be prepared for an ICE inspection or DHS visit.

Employers should establish and maintain a consistent I-9 policy, as well as regularly have a third party conduct I-9 audits and training. Employers should also have an internal plan in place in the event ICE or DHS arrives at the company site, including establishing an emergency phone contact list of who to call immediately if ICE or DHS arrive, including outside legal counsel, HR and managers. If an I-9 audit is initiated, ICE will normally provide companies three (3) business days (72 hours) notice to present I-9 forms. If the ICE Agent presents a valid criminal or civil search warrant or subpoena, legal counsel should review that document and will be able to advise the company regarding the appropriate next steps to be taken.

Laner Muchin attorneys can assist with all Form I-9 compliance matters, including conducting I-9 audits, training employers on accurate I-9 completion and preparing for government audits/inspections.