

WEBINAR SERIES

What Employers Need to Know About Immigration Compliance in 2025

April 16, 2025



**Fisher
Phillips**

 **PrestigePEO™**

Today's Presenters



Brian J. Coughlin
Partner
Fisher Phillips



Elisabeth Shaw
Vice President, Corporate Counsel
PrestigePEO

Trump Administration, 2.0

- As during his previous campaigns, President Trump made immigration a centerpiece of his 2024 message, repeatedly vowing to deport undocumented migrants.
- On Oct. 27, just days before the election, Trump reiterated during a rally in New York City, “On day one, I will launch the largest deportation program in American history to get the criminals out.
- In the first 50 days of the second Trump Administration, Immigration Customs and Enforcement (ICE) has made 32,809 enforcement arrests. To put this figure into perspective, in the entire fiscal year 2024, ICE’s Enforcement and Removal Operations made 33,242 of these at-large arrests.

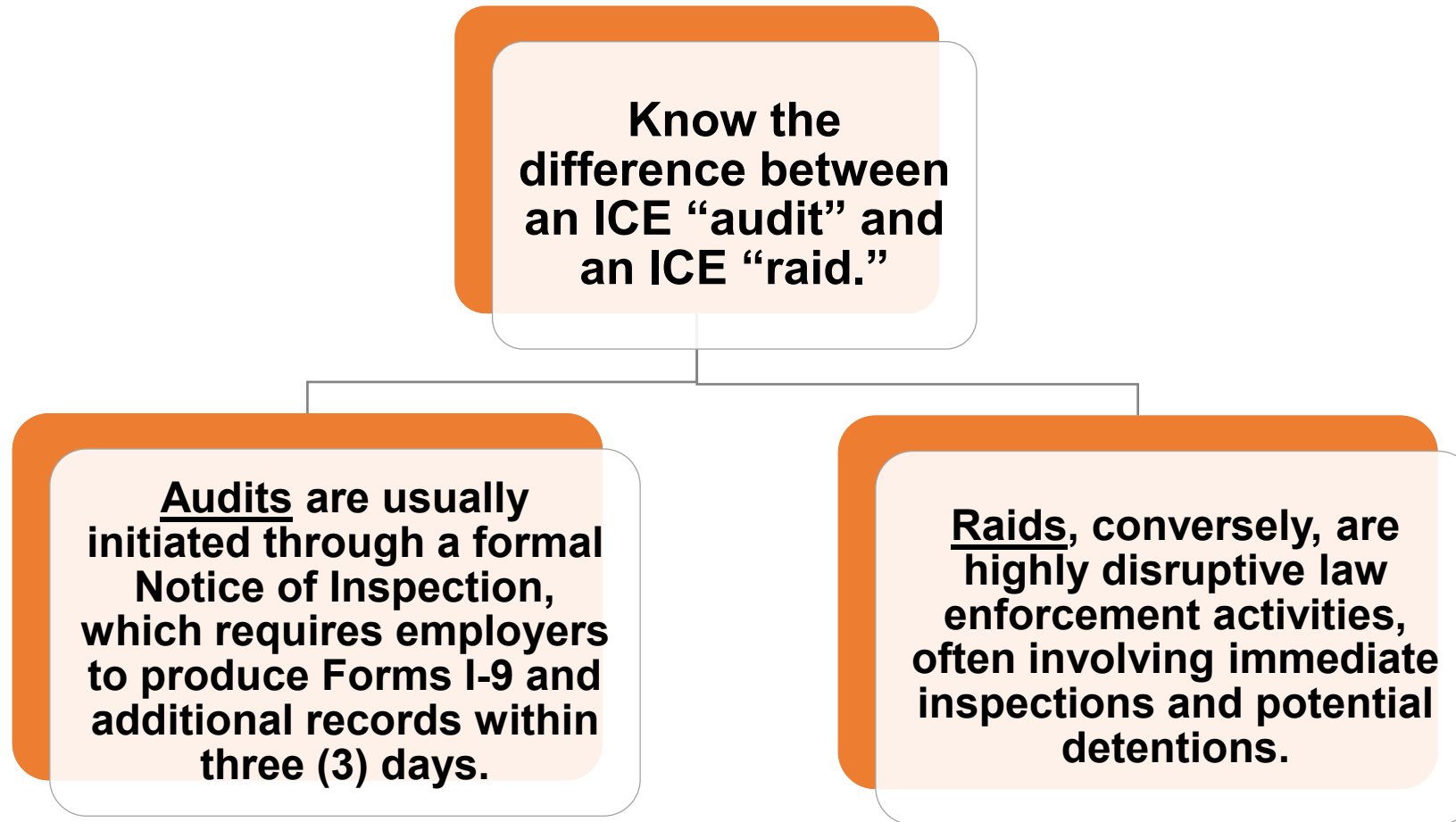
Immigration & Customs Enforcement (ICE): Increased Immigration Audits, and Raids

- **Immediate Action:** In the hours after Trump was sworn in as President, his administration started taking immediate action to reshape the country's immigration policies. In the first three months since taking office, Trump has issued more than ten (10) major Executive Orders and DHS/State Department Directives focused on immigration.
- **Enforcement Activities:** News broke even before the inauguration that Department of Homeland Security (DHS) agents would begin conducting deportation raids in major cities, starting the day after Trump took office.
- **Types of Enforcement:** DHS, through its sub-agency Immigration & Customs Enforcement (ICE) has increased both immigration audits, and raids.

Immigration & Customs Enforcement (ICE): Increased Immigration Audits, and Raids (cont.)

- On January 21, 2025, DHS published a notice in the Federal Register entitled “*Designating Aliens for Expedited Removal*.” The notice expands the scope of Expedited Removal to the “statutory maximum” under 8 U.S.C. § 1225(b)(1) to include:
 - Noncitizens who haven’t been in the U.S. continuously for two years, and
 - Who are encountered anywhere in the United States within 100 miles of an “international land border” (any international airport).
- This includes those holding Humanitarian Parole or pending Asylum claims.
- *Alien Enemies Act*: An 18th Century wartime law, which the Administration is using to remove Venezuelan migrants—some to the “CECOT” prison in El Salvador, regardless of an individual having been continuously present in the U.S. On April 7th, the U.S. Supreme Court granted the Administration’s request to lift a Temporary Restraining order of a lower court, allowing deportations to continue.

ICE “Audits” versus ICE “Raids”



Potential ICE Raid at the Workplace

ICE Raids Increased and Expanded

- **ICE Operations Increased.** In the early months of 2025, ICE arrests saw a significant increase, especially in February, where the number of individuals arrested increased by 221% compared to January. Many of those arrested had no prior criminal record or only minor offenses.
- **ICE Operations in “Sensitive Locations.”** ICE agents are now authorized to make arrests at these locations – schools, courthouses, and places of worship – though they still need to follow usual due process principles. This shift in policy is likely to face legal challenges, as advocacy groups argue it infringes on fundamental constitutional rights, including access to the courts and freedom of religion.
- **Where are ICE Operations happening?** Major raids have occurred in Los Angeles, Philadelphia, Phoenix, Denver, Miami, Atlanta, and several locations in Texas and Massachusetts, and elsewhere.



What Can an Employer Do Proactively to Prepare?

- **Establish I-9 Compliance:** Ensure every employee hired after November 6, 1986, has a complete and properly filled out Form I-9 on file.
- **Conduct Regular I-9 Audits:** Regularly auditing I-9 forms is key to identifying and remedying any discrepancies.
- **Employee I-9 Training:** Train your managers and HR staff on how to complete I-9 forms, recognize document issues, and take appropriate action if they suspect an employee may lack proper work authorization.
- **Consider Using E-Verify:** A free, online system that helps employers confirm the employment eligibility of new hires.
- **Establish a Rapid Response Plan:** Designate a trained “raid team” to handle ICE visits, including contacting immigration and employment counsel, monitoring compliance with warrants, and tracking actions taken by ICE agents.

What Can an Employer do if a Raid Occurs?

- **Designated point person** should be your main point of contact with ICE officers.
- **Ask to see a warrant** for non-public areas.
- **Consider installing signage** that states that visitors must check in at a main reception area and/or that certain areas of a facility are for employer personnel only. This will limit ICE officer access to those areas.
- **If a warrant is valid, allow ICE into the specific area that has been approved** for inspection and enforcement activity.
- **Don't interfere** with the raid in any other way. Avoid taking any action that could be construed as harboring those who don't have proper documentation.
- **Document** any seized property or records.
- **Manage** any public relations fallout that may result.

Who is Detained by ICE?

- Without authorization to be present in the U.S.; or
- Have an unexecuted order of removal; or
- On an Order of Supervision (“OSUP”) with a prior removal order; or
- Subject to expanded expedited removal.
- Regardless of whether they have applications for relief pending.

Tips for Employees

- Do not allow ICE in home without warrant.
- Choose to remain silent.
- Carry evidence that client has been in U.S. for at least two years (like a Notice to Appear or other immigration records).
- Carry proof that an employee is a caregiver (birth certificate).
- Claim fear of return, and try to gather proof of any threats, if this possible.
- Leave belongings, including documentation and evidence, with a trusted friend or family member.
- Contact an employer representative.



Fisher Phillips Rapid Response Team for DHS/ ICE Raids

Fisher Phillips Rapid Response Team

- Minimizing disruption to your operations.
- Protecting your employees and business interests.
- Ensuring compliance with immigration laws.
- Reducing potential penalties and liabilities.



FP Employers' Rapid Response Team for DHS Raids: How We Can Help

- **Employers' Rapid Response Team for DHS Raids**

- Benefits: Immediate Legal Counsel.
- Employee Representation.
- Documentation and Compliance Review.
- Post-Raid Support and Strategy.



- **24/7 Emergency Hotline:** In the event of an active ICE enforcement action, call us at **(877) 483-7781** for immediate assistance.

I-9 Best Practices for Maintenance and Ongoing Compliance

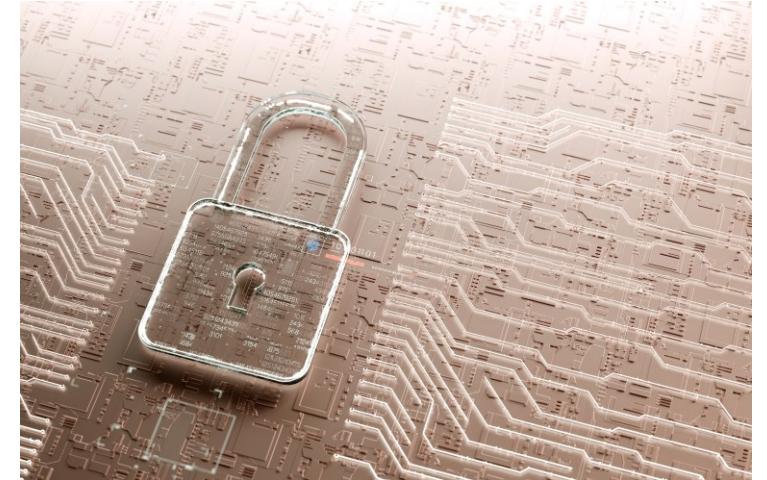
Best Practices for I-9 Document Retention

- **Maintain a centralized, organized I-9 filing system:** Store I-9 forms separately from personnel files — ideally in two sets: current employees and former employees.
- **Follow the proper retention timeline:** Retain I-9s for three years after the hire date or one year after termination, whichever is later.
- **Purge outdated I-9s regularly:** Create a calendar reminder or system to dispose of expired I-9s in a timely and secure manner.
- **Be consistent with physical and digital storage:** Ensure electronic I-9s are securely stored and easily retrievable for inspection, with audit trails if possible. Be purposeful with your storage methods and process.



Best Practices for I-9 Document Retention (cont.)

- **Document and follow internal procedures:** Have a written I-9 compliance policy, and train HR staff on proper completion, correction, and retention practices.
- **Limit access to I-9 records:** Restrict access to only those who need it for compliance, and ensure secure storage to protect personal information.
- **Be audit-ready at all times:** Regularly self-audit I-9s for errors or missing data, and correct issues using USCIS-recommended procedures.



Best Practices for I-9 Reverification

- **Use Section 3 Only:** Complete Section 3 of the I-9 for reverification — do not require the employee to complete a new form unless Section 3 is already used.
- **Reverify Before Expiry:** Ensure reverification is completed on or before the expiration date of the employee's work authorization. Employees may not work after it expires.
- **Avoid Over-Documenting:** Only request one acceptable document from the employee; allow them to choose from the lists provided by USCIS.
- **Stay Consistent:** Apply reverification procedures uniformly to all affected employees to avoid the risk of discrimination claims.

Immigration-Related Administrative Actions: The first Three Months

General Administrative Actions

- **Policy Reviews Triggered:** Executive actions may lead to changes in travel, visa eligibility, and border screening.
- **TPS Designations Updated:** Venezuela and Haiti statuses revised; further changes possible as conditions evolve.
- **Sensitive Locations Policy Reversed:** DHS has rescinded limits on enforcement in protected areas.

Protecting the American People Against Invasion (EO 14159: 01/20/2025)

- **Venezuela TPS Changes:** DHS ended the 2023 TPS designation; related benefits, including EADs, expire April 2025 (however, this action was halted by a U.S. District Court on April 1st). The 2021 TPS designation remains active through Sept. 10, 2025, pending DHS decision by July 12th.
- **Haiti TPS Shortened:** DHS scaled back 2024 TPS designation to end August 3, 2025. Employers must update EAD records even if cards state February 2026.
- **New Registration Rules:** As of Feb. 25, 2025, foreign nationals (14+) in the U.S. 30+ days must register and provide fingerprints. Noncompliance may result in fines or criminal charges.

Protecting the American People Against Invasion (EO 14159: 01/20/2025) – continued.

- **CHNV Parole Revoked:** On March 25, DHS announced the termination of special humanitarian parole for nationals of Cuba, Haiti, Nicaragua, and Venezuela. Starting April, individuals began receiving notices of early termination. All remaining CHNV parole and related work authorization will end by April 24, 2025. **However**, this action was halted by a U.S. District Court on April 10th).



Other Immediate Executive Actions of 01/20/2025

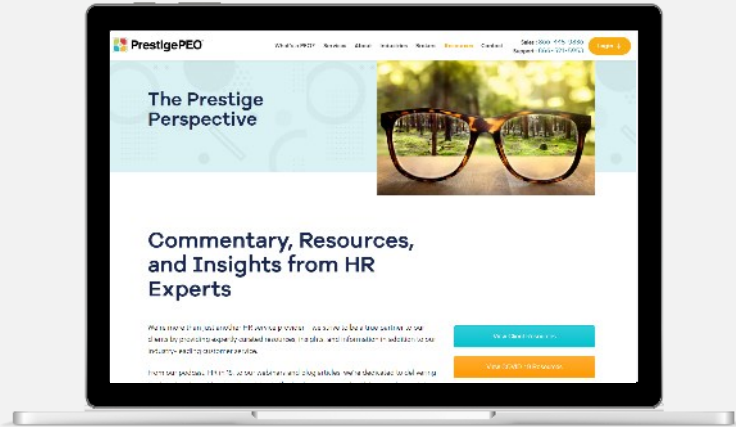
- ***Protecting the Meaning and Value of American Citizenship (EO 14160)***: Seeks to end birthright citizenship for U.S.-born children of non-LPR or non-U.S. citizen parents. The policy, a major break from constitutional precedent, was immediately challenged and is currently blocked by a nationwide injunction issued on Feb. 5, 2025.
- ***Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats (EO 14161)***: Mandates enhanced vetting of noncitizens and a review of visa programs and countries of concern. A report due March 21, 2025, may trigger travel bans or stricter enforcement for nationals of certain countries. Increased visa processing times and scrutiny at U.S. embassies and ports of entry are expected.
- ***Declaring a National Emergency at the Southern Border of the United States (Proclamation 10886)***: Directs U.S. military support for border security. DHS will report on conditions, potentially leading to redirected funds, barrier construction, and more military presence. Increased enforcement may cause delays and higher scrutiny for those entering from Mexico.

Expected Future Actions

- **TPS:** Further cancellation of non-renewal of Temporary Protected Status for other countries (including Afghanistan, El Salvador, Somalia, Yemen, and others).
- **Renewed Travel Ban:** Since March, there have been reports of a possible travel ban being imposed by the Administration, which will impact 43 specific countries (including Iran, Pakistan, Russia, and others).
- **Normal-Course Immigration Processing:** Possible increased processing delays, visa wait times, vetting, government scrutiny, and government audits.



Questions / Comments / Discussion?



You can view today's presentation and video recording by visiting:

prestigepeo.com/webinars



Be on the look-out for our email newsletter, **PrestigePEO Insights**



Join us on **LinkedIn, Facebook, Instagram, Twitter, and Youtube** to receive event notifications and weekly updates



Reach out to your support teams – HR and Compliance, Employee Benefits, and Payroll directly from our **PrestigeGO mobile app**

Thank You



Brian J. Coughlin

Partner
Fisher Phillips
617.532.5892

bcoughlin@fisherphillips.com



Elisabeth Shaw

Vice President, Corporate Counsel
PrestigePEO

We Are Here For You



Human Resources, Employee Benefits, and Payroll Simplified

You started your business because you had a great idea. We started our business to handle the rest.