



2025 Mo-Kan

Annual Labor & Employment Law Seminar

**Fisher
Phillips**

Borders and Business: Navigating the Maze of Employment Immigration

October 30, 2025

Lauren Sobaski
lsobaski@fisherphillips.com
(816) 460-1237



fisherphillips.com

Immigration Compliance – Form I9

 **Employment Eligibility Verification**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)
Address (Street Number and Name)		Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	Employee's E-mail Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

☐ 1. A citizen of the United States

☐ 2. A noncitizen national of the United States (See instructions)

☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____

☐ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____

Some aliens may write "N/A" in the expiration date field. (See instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____

OR

2. Form I-94 Admission Number: _____

OR

3. Foreign Passport Number: _____

Country of Issuance: _____

Signature of Employee _____ Today's Date (mm/dd/yyyy) _____

Preparer and/or Translator Certification (check one):

☐ I did not use a preparer or translator. ☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator _____		Today's Date (mm/dd/yyyy) _____	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code

Employer Completes Next Page

Form I-9 10/21/2019 Page 1 of 3

 **Employment Eligibility Verification**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

Section 2. Employer or Authorized Representative Review and Verification
(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
List A Identity and Employment Authorization	OR			
List B Identity	AND			
List C Employment Authorization				

Document Title	Document Title	Document Title
Issuing Authority	Issuing Authority	Issuing Authority
Document Number	Document Number	Document Number
Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)

Document Title

Issuing Authority

Document Number

Expiration Date (if any) (mm/dd/yyyy)

Document Title

Issuing Authority

Document Number

Expiration Date (if any) (mm/dd/yyyy)

Additional Information

OR Code - Sections 2 & 3
Do Not Write in This Space

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): _____ (See instructions for exemptions)

Signature of Employer or Authorized Representative _____	Today's Date (mm/dd/yyyy) _____	Title of Employer or Authorized Representative _____
Last Name of Employer or Authorized Representative _____		First Name of Employer or Authorized Representative _____
Employer's Business or Organization Address (Street Number and Name) _____		City or Town _____ State _____ ZIP Code _____

Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable)

Last Name (Family Name)	First Name (Given Name)	Middle Initial
-------------------------	-------------------------	----------------

B. Date of Rehire (if applicable)

Date (mm/dd/yyyy) _____

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
----------------	-----------------	---------------------------------------

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative _____	Today's Date (mm/dd/yyyy) _____	Name of Employer or Authorized Representative _____
--	---------------------------------	---

Form I-9 10/21/2019 Page 2 of 3

 **Employment Eligibility Verification**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 05/31/2027

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employees are liable for failing to comply with the requirements for completing this form. See below and the [instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

Last Name (Family Name)		First Name (Given Name)		Middle Initial (if any)	Other Last Names Used (if any)
Address (Street Number and Name)		Apt. Number (if any)	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number	Employee's Email Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.):

☐ 1. A citizen of the United States

☐ 2. A noncitizen national of the United States (See instructions)

☐ 3. A lawful permanent resident (Enter USCIS or A-Number): _____

☐ 4. An alien authorized to work until (exp. date, if any) _____

If you check item Number 4, enter one of these:

USCIS A-Number _____ OR Form I-94 Admission Number _____ OR Foreign Passport Number and Country of Issuance _____

Signature of Employee _____ Today's Date (mm/dd/yyyy) _____

If a preparer and/or translator assisted you in completing Section 1, that person **MUST** complete the [Preparer and/or Translator Certification](#) on Page 3.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional information box; see instructions.

	List A	OR	List B	AND	List C
Document Title 1					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 2 (if any)	Additional Information				
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					
Document Title 3 (if any)					
Issuing Authority					
Document Number (if any)					
Expiration Date (if any)					

☐ Check here if you used an alternative procedure authorized by DHS to examine documents.

Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.

First Day of Employment (mm/dd/yyyy): _____

Last Name, First Name and Title of Employer or Authorized Representative _____		Signature of Employer or Authorized Representative _____	Today's Date (mm/dd/yyyy) _____
Employer's Business or Organization Name _____		Employer's Business or Organization Address, City or Town, State, ZIP Code _____	

For reverification or rehire, complete [Supplement B, Reverification and Rehire](#) on Page 4.

Form I-9 Edition 01/20/25 Page 1 of 4

Immigration Compliance – Form I-9

 **Employment Eligibility Verification**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name) _____
Address (Street Number and Name) _____
Date of Birth (mm/dd/yyyy) _____ U.S. Social Sec. # _____
I am aware that federal law provides for connection with the completion of this I attest, under penalty of perjury, that I:

☐ 1. A citizen of the United States
☐ 2. A noncitizen national of the United States
☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number) _____
☐ 4. An alien authorized to work until (specify date) _____
Some aliens may write "N/A" in the expiration date field.
Aliens authorized to work must provide only an Alien Registration Number/USCIS Number.

1. Alien Registration Number/USCIS Number: _____
OR
2. Form I-94 Admission Number: _____
OR
3. Foreign Passport Number: _____
Country of Issuance: _____

Signature of Employee _____

Preparer and/or Translator Certification
☐ I did not use a preparer or translator.
(Fields below must be completed and signed by preparer or translator. I attest, under penalty of perjury, that I know the information is true and correct.)
Signature of Preparer or Translator _____
Last Name (Family Name) _____ First Name (Given Name) _____
Address (Street Number and Name) _____ City or Town _____ State _____ ZIP Code _____

Form I-9 10/21/2019 Page 1 of 3

 **Employment Eligibility Verification**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

Section 2. Employer or Authorized Representative Review and Verification
(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
List A	OR	List B	AND	List C
Identify and Employment Authorization				

Section 2. Employer or Authorized Representative Review and Verification
I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative _____ Today's Date (mm/dd/yyyy) _____ Name of Employer or Authorized Representative _____

If, at the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below:

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)

Form I-9 10/21/2019 Page 2 of 3

 **Employment Eligibility Verification**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 05/31/2027

START HERE: Employers must ensure the form instructions are available to employees when completing this form. Employees are liable for failing to comply with the requirements for completing this form. See below and the [instructions](#).

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

Last Name (Family Name) _____ First Name (Given Name) _____ Middle Initial (if any) _____ Other Last Names Used (if any) _____
State _____ ZIP Code _____
Employee's Telephone Number _____
status (See page 2 and 3 of the instructions.) _____
Signature of Employer or Authorized Representative _____
First Day of Employment (mm/dd/yyyy) _____
Signature of Employer or Authorized Representative _____
Today's Date (mm/dd/yyyy) _____
Employer's Business or Organization Name _____ Employer's Business or Organization Address, City or Town, State, ZIP Code _____
For verification or rehire, complete Supplement B, Reverification and Rehire on Page 4.

Form I-9 Edition 01/20/25 Page 1 of 4

01/20/25. You can find the edition date at the bottom of the page on the form and instructions.

Employers may also use the following previous editions:

- Form I-9 with an 08/01/23 edition date, valid until its expiration date of 05/31/2027; and
- Form I-9 with an 08/01/23 edition date, valid until its expiration date of 07/31/2026.

You can find the expiration date at the top of the page on the form and instructions.

Employers using an electronic version of Form I-9 must update their systems with the version that has the expiration date of 05/31/2027 by 07/31/2026.



Employee **accepts offer** for employment



Employee **completes Section 1** of the form no later than first day of work for pay



Employee **gives documents and form** to employer



Employer **completes Section 2** of the form no later than 3rd business day employee starts work for pay



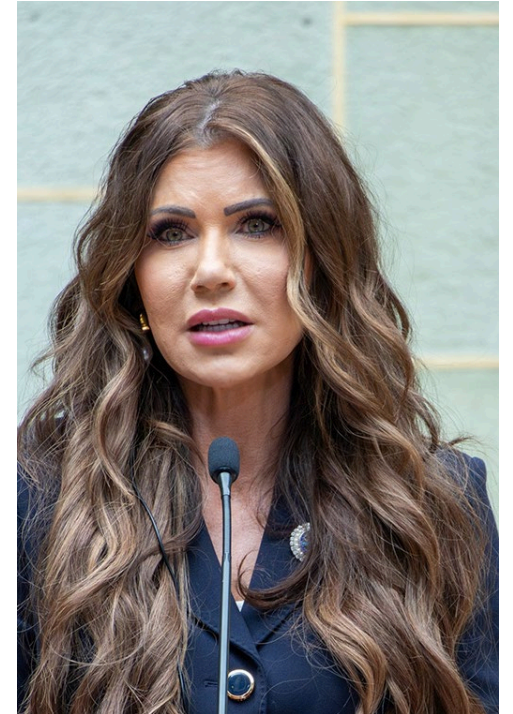
If Employee's work authorization expires, **complete Supplement B**



Current Events in Immigration

Kristi Noem Selected to Serve as Trump's Secretary of Homeland Security

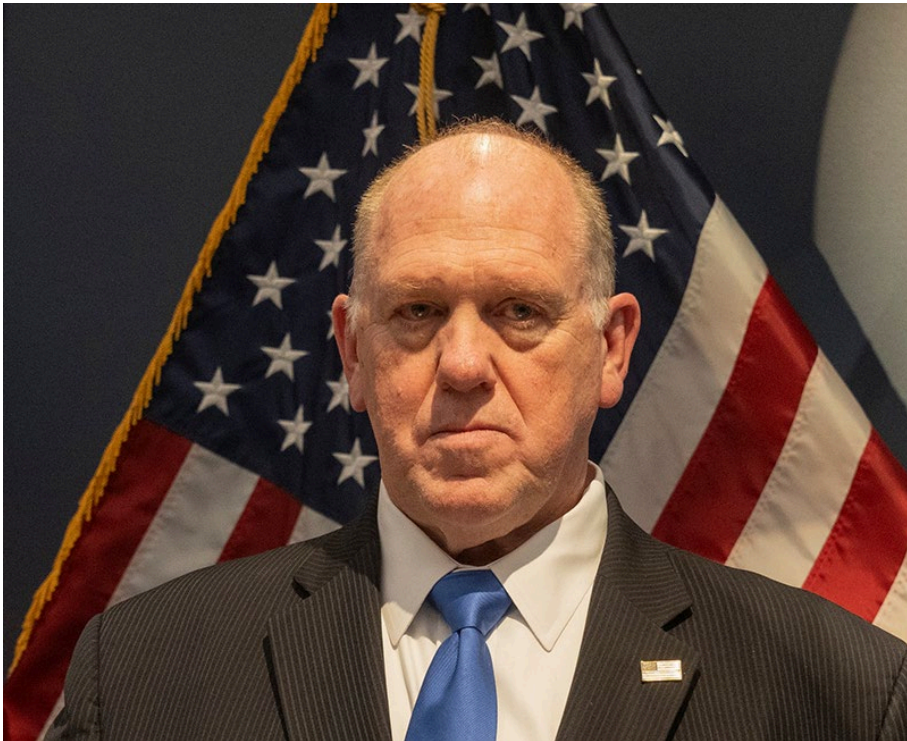
- Noem was confirmed on in January of 2025.
- DHS has an approved annual budget of \$62 billion and over 260,000 employees. In July, Congress passed the “One Big Beautiful Bill,” allocating **an additional \$75 billion** to ICE through 2029—approximately **\$45 billion** to expand detention capacity and **\$30 billion** for enforcement and deportation operations—**triple their current annual funding**.
- ICE is now the most funded federal law enforcement agency.
- “Kristi has been very strong on Border Security. She will work closely with ‘Border Czar’ Tom Homan to secure the Border and will guarantee that our American Homeland is secure from our adversaries,” Trump said in a statement officially announcing the pick.



“President Trump has a clear message: if you are here illegally, we will find you and deport you. You will never return.”

Tom Homan Named Border Czar

“I will run the biggest deportation operation this country has ever seen.”



- Oversees day-to-day operations and strategy on border security.
- 30+ year law enforcement career includes roles as Border Patrol Agent and Acting ICE Director under Trump.
- Spearheaded a 40% surge in deportation arrests during Trump's first term.
- **Consistently advocated for workforce enforcement to target undocumented workers and the businesses that hire them.**
- Following the shooting of an off-duty Customs officer in New York on July 22nd, Homan promised to “flood the zone,” dramatically increasing ICE deployments and enforcement in sanctuary cities like NYC (and surrounding areas), asserting that sanctuary policies are “sanctuaries for criminals” and vowing aggressive action in workplaces.

Current Executive Orders and Recent Actions: Mass Deportation Initiative

- Commencing with plans for large-scale deportations, to remove millions of undocumented individuals from the U.S.
- Building expansive detention facilities and deputizing local law enforcement to assist in federal immigration enforcement efforts. **ICE has begun conducting raids and arrests on a wide scale**
- As part of the “flood the zone” campaign, ICE has issued over 6,000 detainers in New York City—a 400% surge from previous periods—and has intensified arrest and raid operations in multiple sanctuary jurisdictions



Current Executive Orders and Recent Action: Revocation of “CHNV” Parole

- DHS terminated the CHNV (Cuba, Haiti, Nicaragua, and Venezuela) parole program effective April 24th.
 - *(program allowed nationals from these 4 countries to come to the US for a limited period of time, meeting certain criteria to provide a safe and orderly pathway for people fleeing hardship.)*
- **Notices revoking both parole and Employment Authorization Documents (EADs)** were sent starting June 12th, following the Supreme Court lifting an injunction ordered by a lower court.
- Approximately 1.6 million people impacted, approx. 400,000 from each country.
- The revocation of CHNV parole has created significant confusion in the workplace, **as only the employee receives notice of status and EAD termination**, leaving employers in the dark—esp. those not enrolled in **E-Verify**, which is being updated to flag invalidated work authorization.
- Non-E-Verify employers receive **no automatic alerts**, increasing the risk of continued employment of unauthorized workers and exposing them to I-9 liability.



Current Executive Orders and Recent Actions: Temporary Protected Status (“TPS”)

- **Venezuela TPS (2021 Designation) Remains in Place:** Individuals present in the U.S. as of March 8, 2021. Extended through September 10, 2025, with employment authorization continu
- **Venezuela TPS (2023)**
The administration mo
federal court has issu
least through April 2, 2
- **Haiti TPS Termination**
the end of Haiti’s TPS-
judge in New York has
employment authoriza
- **Significant Rollbacks**
TPS for Afghanistan (effective July 14, 2025) and announced the non-renewal of
TPS for Nicaragua and Honduras (all expiring between July and September 2025),
prompting legal and policy challenges.

ALERT: After reviewing country conditions and consulting with the appropriate U.S. government agencies, Secretary of Homeland Security Kristi Noem determined that Venezuela no longer meets the conditions for its designation for Temporary Protected Status (TPS), and that the termination of the 2023 Venezuela TPS designation is required as it is contrary to the national interest. On October 3, 2025, the Supreme Court allowed the termination to take immediate effect. TPS beneficiaries who received TPS-related employment authorization documents (EADs), Forms I-797, Notices of Action, and Forms I-94 issued with October 2, 2026, expiration dates on or before February 5, 2025 will maintain work authorization and their documentation will remain valid until October 2, 2026, pursuant to the U.S. District Court for the Northern District of California’s order dated May 30, 2025.

Separately, Secretary Noem published her notice to terminate the Venezuela 2021 designation, which is effective on Nov. 7, 2025, at 11:59 p.m. See Termination of the 2021 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 43225 (Sept. 8, 2025).





Worksite Investigations



Why Would ICE be at the Worksite? *Raids vs. Audits*

- ICE may come to the worksite to:
 - Start an **I-9 audit** (Document will be called “Notice of Inspection”);
 - **Workplace raid** – **must have a judicial warrant**;
 - **Detain a specific person** – **must have a judicial warrant**.

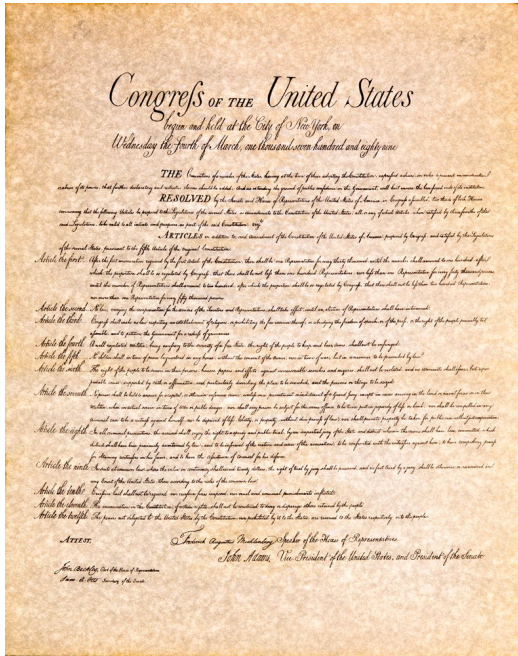


DHS Raids – ICE vs. CBP



- **ICE** and CBP are both agencies of the Department of Homeland Security.
- **CBP** enforces customs and immigration law at and near the border.
- **ICE** enforces customs and immigration laws at the border as well as in the interior of the United States. ICE is typically the agency involved in worksite investigations (I-9 and related).
- **ICE** investigations target unauthorized employment as well as individuals who have committed criminal activity.
- **CBP** activity usually centers solely around individuals who committed criminal activity.

What Protections are Available?



- **Employers and employees have rights under law, regardless of status**
 - 4th Amendment – protects people against unreasonable search and seizure of their home, person and belongings.
 - 5th Amendment – right to remain silent.
- **Worksite Raids** must be accompanied by a Judicial Warrant signed by a judge and give a specific scope of search and seizure.
- **Home Searches** must also be accompanied by a Judicial Warrant.
- **Warrants**
 - An **administrative warrant** authorizes an ICE agent to make an arrest or seizure, **but not to search**.
 - An **ICE warrant** does not authorize an ICE agent to enter a private space or home without consent.
 - An **ICE warrant** does not provide probable cause of a crime or meet Fourth Amendment requirements for arrest.

Judicial Warrant

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

THE PRISONERS FOOD CO.,
(Swift & Company, located at 1760
Highway 42 NE, Northruptown,
Minnesota, and all its
apartments, parking areas,
and outdoor seating areas,

Defendant.

CIVIL NO. [] 457 JSM/vr

ORDER
FOR WARRANT FOR
ENTRY ON PREMISES TO
SEARCH FOR ALIENS
WHO ARE IN THE UNITED
STATES WITHOUT LEGAL
AUTHORITY

The United States of America, having filed an application to authorize officers of United States Immigration and Customs Enforcement to enter the building on the premises described above to search for persons who are aliens in the United States and/or AREAS TO BE SEARCHED AT YOUR ADDRESS in support of the affidavit and memoranda submitted herewith, and the Court finding in support of the affidavit that there is probable cause to believe that persons who are aliens in the United States and/or AREAS TO BE SEARCHED AT YOUR ADDRESS are present on the premises described above, and that such persons are in violation of the provisions of the Nationality Act, a U.S.C.

IT IS THEREFORE ORDERED that the officers of U.S. Immigration and Customs Enforcement are authorized to enter the building and

areas on the premises described herein and to make such search as is necessary to locate aliens present in the United States illegally and counterfeit, altered, or imposter documents possessed and/or used by the aliens who are not lawfully entitled to reside within the United States and who are employed at present within Swift, Inc. (See Attachment B). In making this search, the agents of ICE are authorized to enter any locked room on the premises in order to locate persons who may be such aliens in the United States without legal authority and, if any such persons are found on the premises, to exercise their authority pursuant to section 267 of the Immigration and Nationality Act, 8 U.S.C. § 1357, to question them to determine whether they are such aliens and, if there is probable cause to believe they are such aliens, to arrest them.

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and seek its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 9, 2016

JAMES S. MATLOCK
United States Magistrate Judge

SIGNED BY A

Administrative Warrant

U.S. DEPARTMENT OF HOMELAND SECURITY		Warrant for Arrest of Alien	
		File No. _____	
		Date: _____	
To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations			
I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:			
☒ the execution of a charging document to initiate removal proceedings against the subject;			
☐ the pendency of ongoing removal proceedings against the subject;			
☐ the failure to establish admissibility subsequent to deferred inspection;			
☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or			
☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.			
YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.			
		 (Signature of Authorized Immigration Officer)	
		• SDOO	
		(Printed Name and Title of Authorized Immigration Officer)	
Certificate of Service			
I hereby certify that the Warrant for Arrest of Alien was served by me at _____, Colorado (Location)			
on _____, on _____, and the contents of this (Name of Alien) (Date of Service)			
notice were read to him or her in the _____ language. (Language)			
g DO		Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____	

ISSUED BY ICE

SIGNED BY AN ICE OFFICE

Resources

Know Your Rights

- <https://www.aclusocal.org/en/know-your-rights>

Know your rights when stopped

- <https://www.aclusocal.org/en/know-your-rights/when-stopped-officer>
- <https://www.aclusocal.org/es/know-your-rights/si-lo-detiene-un-oficial>

Know your rights if questioned by police, FBI, customs agents or immigration officers

- <https://www.aclusocal.org/en/know-your-rights/if-questioned-police-fbi-customs-agents-or-immigration-officers>
- <https://www.aclusocal.org/es/know-your-rights/que-debe-hacer-si-la-policia-un-agente-de-immigracion-o-el-fbi-lo-detiene>

Know your rights when stopped by federal agents

- <https://www.aclusocal.org/en/know-your-rights/when-stopped-federal-agents>
- <https://www.aclusocal.org/es/know-your-rights/si-lo-detiene-un-agente-federal>

Proactive ICE Audit and Raid Preparation

Be Raid Ready: Proactive Employer Checklist

I-9s and Documentation

- ☐ Ensure all employees hired after Nov. 6, 1986, have complete I-9s
- ☐ Use payroll records to identify missing forms
- ☐ Retain I-9s for the required retention period (3 years after hire or 1 year after termination)

Internal I-9 Audit

- ☐ Conduct regular internal audits (at least annually)
- ☐ Fix technical errors promptly with proper correction protocols
- ☐ Log all audit activities and keep copies of previous audits

Training and Policy

- ☐ Train HR/managers on I-9 completion and document review
- ☐ Create clear policies for onboarding, reverification, and termination
- ☐ Educate supervisors on NLRA risks and protected concerted activity

Raid Readiness

- ☐ Designate a Rapid Response Team (include legal contact info)
- ☐ Prepare a written Raid Protocol with specific instructions
- ☐ Assign trained liaisons to interact with ICE
- ☐ Run mock raid scenarios or tabletop exercises
- ☐ Consider using E-Verify if appropriate for your business

Best Practices

Preparation

Immigration Point Person

- Assign a staff member as the primary contact for all DHS/ICE/CBP correspondence.
- Ensure all employees are aware of who this person is and how to contact them

Employee Awareness and Communication

- Train employees to immediately notify the Immigration Point Person in case of any contact from DHS/ICE/CBP.
- Provide clear instructions on workplace rights and responsibilities in case of a raid.

Workplace Signage and Access Control

- Ensure proper signage is displayed on all private and non-public workspaces.
- Restrict unauthorized access to non-public areas unless legally required.



ICE or CBP Arrival – Call Us!!!

Handling ICE or CBP Agent Arrival

- Ask agents if they have a warrant.
- If no warrant is presented, deny access to employees, documents, and non-public areas.
- If a warrant is presented, carefully review its details.

Validating the Warrant

- Confirm it is a judicial warrant, issued by a federal court and signed by a judge.
- If it is an administrative warrant (issued by DHS/ICE/CBP), it does not grant access to non-public areas.

Managing the Search and Seizure Process

- Cooperate within the limits of the warrant.
- Do not interfere with officers' search and seizure within the scope of the warrant.
- Record details of the search, including items taken and persons spoken to or detained.





Documenting the Activity

Documentation and Evidence Collection

- Keep detailed records of all interactions, searches, and seizures.
- Request a copy of the warrant and any inventory of seized items.

Protecting Business-Critical and Confidential Documents

- If agents attempt to seize confidential or critical business documents, request an accommodation to retain or copy them.
- Consult legal counsel immediately for guidance.

Post-Raid Review and Next Steps

- Conduct a debriefing with key personnel to document the event.
- Consult an immigration attorney to assess the situation and respond appropriately.
- Provide necessary support to affected employees.
- Revise and update this action plan based on new developments or legal requirements.

Auditing Form I-9

 **Employment Eligibility Verification**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
Rev. 08/14/2007
Expires 05/31/2007

START HERE: Employees must ensure the form instructions are available to employees when completing this form. Employees are responsible for failing to comply with the requirements for completing this form. See below and the instructions.

ANTI-DISCRIMINATION NOTICE: All employees can choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information in Section 1, or specify which acceptable documentation employees must present for Section 2 or Supplement B, Reverification and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin may be illegal.

Section 1. Employee Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.

Last Name (Family Name)		First Name (Given Name)		Middle Initial (If any)		Other Last Names Used (If any)	
Address (Street Number and Name)				Apt. Number (If any) City or Town		State ZIP Code	
Date of Birth (mm/dd/yyyy)		U.S. Social Security Number		Employee's Email Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements, or the use of false documents, in connection with the completion of this form. I attest, under penalty of perjury, that this information, including my selection of the box attesting to my citizenship or immigration status, is true and correct.

Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the instructions.)

☐ 1. A citizen of the United States
☐ 2. A noncitizen national of the United States (See instructions.)
☐ 3. A lawful permanent resident (Enter USCIS or A-Number.)
☐ 4. An alien authorized to work and stay in the U.S. (Enter date, if any.)

If you check item number 4, enter one of the following:

USCIS A-Number	OR	Form I-94 Admission Number	OR	Foreign Passport Number and Country of Issuance

Signature of Employee _____ Today's Date (mm/dd/yyyy) _____

If a preparer or translator assisted you in completing Section 1, that person MUST complete the **Preparer and/or Translator Certification** on Page 3.

Section 2. Employer Review and Verification: Employers or their authorized representative must complete and sign Section 2 within three business days after the employee's first day of employment, and must physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, documentation from List A OR a combination of documentation from List B and List C. Enter any additional documentation in the Additional Information box; see instructions.

Document Title	OR	List B	AND	List C
Document Title 1				
Issuing Authority				
Document Number (If any)				
Expiration Date (If any)				
Document Title 2 (If any)				
Issuing Authority				
Document Number (If any)				
Expiration Date (If any)				
Document Title 3 (If any)				
Issuing Authority				
Document Number (If any)				
Expiration Date (If any)				

Additional Information

Check here if you used an alternative procedure authorized by DHS to examine documents.

Certification: I attest, under penalty of perjury, that (1) I have examined the documentation presented by the above-named employee, (2) the above-listed documentation appears to be genuine and to relate to the employee named, and (3) to the best of my knowledge, the employee is authorized to work in the United States.

Last Name, First Name and Title of Employer or Authorized Representative _____ Signature of Employer or Authorized Representative _____ Today's Date (mm/dd/yyyy) _____

Employer's Business or Organization Name _____ Employer's Business or Organization Address, City or Town, State, ZIP Code _____

Form I-9 Edition: 01/20/25 For verification or rehire, complete Supplement B, Reverification and Rehire on Page 4.

Page 1 of 4

Form I-9 Basic Requirements

- Current Form I-9 Version Requirements
 - Required edition: 01/20/25 (expires 05/31/2027): Now necessary for new hires or reverifications that occur under certain conditions.
 - Previous 08/01/23 editions still acceptable until expiration: Two versions expire either 05/31/2027 or 07/31/2026, can be used until their expiration dates. After that, only the 01/20/25 edition is allowed.
 - Electronic I-9 systems must be updated by July 31, 2026: If you use an electronic platform, it must support the new expiration (05/31/2027), or you could be non-compliant.
- You may delegate the authority to complete Form I-9 to an “Authorized Representative.” However, you will retain liability for any errors.
- “Alternative Procedure” for E-Verify users.



Form I-9 Basic Requirements



- For all Active Employees hired post November 6, 1986.
- Section 1 - completed by employee no later than start date of employment.
- Section 2 - completed by employer by end of third business day after employee starts work.
- May complete form prior to start date if offer of employment is made and accepted.

Penalties



Example: 100 employees 51% error rate. $(51 \times 2,861) = \text{potential fine } \$145,911$

100 employees 100% error rate. $(100 \times 2,861) = \text{potential fine } \$286,100$

⚠ Before We Begin: Know The Risks

Employers that commit immigration violations face significant penalties:

- **Civil Fines:** Up to \$2,861 per I-9 violation, up to \$5,724 for knowingly hiring undocumented workers, and up to \$28,619 per worker for repeat offenders.
- **Criminal Penalties:** Business leaders can face up to 10 years in prison and \$250,000 in fines for knowingly employing undocumented workers.
- **Asset Seizure:** Conviction may trigger forfeiture of assets and profits linked to the violation.
- **Loss of Government Contracts:** You could be debarred from federal contracting under an Executive Order.
- **Business Disruptions:** ICE raids can bring immediate work stoppages, trigger media attention, and disrupt morale.

Sample Audit

D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Form Reviewed (1 = yes, 0 = no)	Retention Period? (1 = yes, 2 = no, 0 = unknown)	Correct Version? (1 = yes, 2 = no)	Section 1 Error (1 = yes, 2 = no)	S1 Notes	Section 2 Error (1 = yes, 2 = no)	Supporting Document Copies (1 = yes, 2 = no)	S2 Notes	Section 3 Error (1 = yes, 2 = no)	S3 Notes	eVerify Present (1 = yes, 2 = no)	eVerify Notes	General Notes	Form Error (1 = yes, 0 = no)
1	1	1	1	N/A not necessary; e-sig needs audit trail	1	2	N/A not necessary; List A iss auth	2		2			1
1	1	1	1	N/A not necessary; e-sig needs audit trail	1	2	N/A not necessary; List A iss auth	2		2			1
1	1	1	1	Missing N/A; P/T box	1	2	MI in top box; missing N/A; bus name	2		2		Doc list doesn't have to be included in file	1
1	1	1	1	E-sig needs audit trail	1	2	List A iss auth	2		2			1
1	1	1	1	E-sig needs audit trail	1	2	List A iss auth	2		2			1
1	1	1	1	E-sig needs audit trail	2	2		1	Not filled out for name change	2			1
1	1	1	1	Missing N/A; SSN	1	1	Name in top box; List A doc num; date format; bus name	1	Doc num; date format	2		Extra blank copy of S1 in file; overdocumented	1
1	1	1	1	N/A not necessary; not signed by EE 1st day; e-sig needs audit trail	1	2	N/A not necessary	2		2			1
1	1	1	1	E-sig needs audit trail	1	2	List A iss auth	2		2			1
1	1	1	1	Missing N/A; date format	1	1	Name in top box; date format; job title; bus name	2		2			1
1	1	1	1	Not signed by EE 1st day; e-sig needs audit trail	1	2	List A iss auth	2		2			1
1	1	1	1	N/A not necessary; e-sig needs audit trail	1	2	N/A not necessary; List A iss auth	2		2			1
1	1	1	1	E-sig needs audit trail	1	2	List A iss auth	2		2			1
1	1	1	1	Missing N/A; date format; P/T box	1	1	Name and C/I status in top box; date format; job title; bus name	2		2		Hire date on spreadsheet doesn't match hire date on I9; difference is 2 years--rehire?	1

Self-Audit – Getting Started

- Generate a list of all current employees and terminated employees for the last 3 years.
 - Include name, date of hire, date of rehire, date of termination and distinguishing fact (SSN or DOB).
- Pull I-9 forms for all current employees first.
- Make sure that you have an I-9 form for each employee on the list.
- Make a note on the list if an I-9 form is missing for a particular employee.
- For current employees with missing I-9s, complete new I-9 on current version of the Form I-9 and current dates.
- Run E-Verify Report to find any current employees with “Final Non-confirmations” who are still working.



Self-Audit – Cont.



- Correct errors, as allowed, on each form.
- Section 1 – **Employee** makes corrections.
- Section 2 – **Employer** makes corrections.
- Strike a line through errors – do not use White Out or Liquid Paper. Must be **transparent**. **Do NOT backdate.**
- All corrections should be initialed/name written, dated, and include the words “Per Self Audit” by the internal company I-9 auditor
- Electronic system should have audit trail for corrections

Form I-9 Resources

- **I-9 M-274 Manual:**
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274>
- **USCIS I-9 Central:**
www.uscis.gov
- **Fisher Phillips' Rapid Response Team:**
<https://www.fisherphillips.com/en/services/practices/immigration/employers-rapid-response-team-for-dhs-raids.html?tab=overview>





Employers' Rapid Response Team: Who we are and How We can Help

Employers' Rapid Response Team for DHS Raids

In today's regulatory environment, businesses must be prepared for unexpected workplace enforcement actions by the Department of Homeland Security (DHS). Even with the best internal practices regarding the verification of employee work authorization documentation, the DHS may still investigate a workplace. These enforcement actions, including Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), or Customs and Border Protection (CBP) audits and workplace raids, can disrupt operations, create civil and criminal liabilities for companies, owners, managers, and employees, and significantly impact your workforce.

Contact Information

Employers' Rapid Response Team
Emergency Hotline for Active Raids

877-483-7781

DHSRaid@fisherphillips.com

Fisher Phillips

Answers To Employer Questions In Wake Of Threatened ICE Raids

Immigration and Customs Enforcement (ICE) threatened to start to carry out a series of immigration raids this weekend seeking to identify and apprehend undocumented individuals - with some potentially occurring at the nation's workplaces. These potential raids might continue for weeks or months, with varying levels of intensity and geographic focus. Even if they do not materialize to the extent originally promised, just the specter of these enforcement activities has raised a number of questions from employers about how to respond to such an action, and how to minimize the chances of them happening in the first place.

What If Our Business Is Visited By ICE?

ICE typically inspects employers' premises in one of two ways: through an audit, or through a raid.

What To Do If You Face An ICE Audit

The most common way in which your business might end up interacting with enforcement officials is through an audit. The agency will initiate an audit through a Notice of Inspection, which asks you to produce certain I-9s for inspection within three days. In addition to I-9 forms for current and recently terminated employees, you will most likely be asked to turn over a list of current employees, quarterly wage and hour reports, payroll records, E-Verify confirmations (if the company uses the system), and related business information, including the business owner's Social Security Number.

If you receive such a Notice, immediately contact your legal counsel. You may be able to receive a

Employer DHS/ICE Raid Preparedness Action Plan Checklist

Fisher Phillips

1. Immigration Point Person

- ☐ Assign a staff member as the primary contact for all DHS/ICE/CBP contact.
- ☐ Ensure all employees are aware of who this person is and how to contact them.
- ☐ Immigration Point Person:
 - Name:
 - Contact Info:

2. Employee Awareness and Communication

- ☐ Train employees to immediately notify the Immigration Point Person in the event of a raid.
- ☐ Provide clear instructions on workplace rights and responsibilities in the event of a raid.
- ☐ Inform employees that they should not communicate with DHS/ICE/CBP without the Immigration Point Person's approval.

3. Workplace Signage and Access Control

- ☐ Ensure proper signage is displayed on all private and non-public work areas.
- ☐ Restrict unauthorized access to non-public areas unless legally required.

4. Handling ICE or CBP Agent Arrival

- ☐ **Step 1:** Ask agents if they have a warrant.
- ☐ **Step 2:** If no warrant is presented, deny access to employees, documents, and records.
- ☐ **Step 3:** If a warrant is presented, carefully review its details.

5. Validating the Warrant

- ☐ Confirm it is a **judicial warrant**, issued by a federal court and signed by a judge.
- ☐ If it is an **administrative warrant** (issued by DHS/ICE/CBP), it does not cover non-public areas.

6. Managing the Search and Seizure Process

- ☐ Cooperate within the limits of the warrant.
- ☐ Do not interfere with officers' search and seizure within the scope of the warrant.
- ☐ Record details of the search, including items taken and persons spoken to or detained.

7. Employee Rights and Conduct

- ☐ Inform employees that it is their **choice whether to answer** questions from ICE agents.
- ☐ Inform employees that it is **choice whether to remain silent** and request legal representation.

8. Documentation and Evidence Collection

- ☐ Keep detailed records of all interactions, searches, and seizures.
- ☐ Request a copy of the warrant and any inventory of seized items.

9. Handling Arrested or Detained Employees

- ☐ Gather details on where detained employees are being taken.
- ☐ Notify legal counsel or an immigration attorney for assistance.

10. Protecting Business-Critical and Confidential Documents

- ☐ If agents attempt to seize confidential or critical business documents, request an accommodation to retain or copy them.
- ☐ Consult legal counsel immediately for guidance.

11. Post-Raid Review and Next Steps

- ☐ Conduct a debriefing with key personnel to document the event.
- ☐ Consult an immigration attorney to assess the situation and respond appropriately.
- ☐ Coordinate with crisis communications team to manage post-raid internal and external communications and to limit risk and minimize exposure.
- ☐ Provide necessary support to affected employees.
- ☐ Revise and update this action plan based on new developments or legal requirements.

Disclaimer:
This material is provided for informational purposes only. It is not intended to constitute legal advice, nor does it create a client lawyer relationship between Fisher & Phillips LLP and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material.

With almost 650 attorneys in 41 offices across the United States and Mexico, Fisher Phillips is an international labor and employment law firm providing practical business solutions for employers' workplace legal problems. We regularly advise and counsel clients on issues surrounding wage and hour, employment discrimination and harassment, litigation, workplace safety, immigration, trade secrets and non-competes, and more.

Fisher Phillips
fisherphillips.com

QUESTIONS?



THANK YOU!

