



Nationwide 7-Eleven Immigration Raids Herald New Worksite Enforcement Strategy

Insights

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Slurpees are not the only ICE-y things being served at 7-Eleven these days. For the second time in five years, Immigrations and Customs Enforcement (ICE) raided dozens of 7-Eleven stores across the country in search of undocumented workers and managers who knowingly employ them. Yesterday's raids involved 98 stores in 17 states from coast to coast, and resulted in at least 21 arrests.

In conjunction with the raids, ICE also announced its new worksite enforcement strategy, with which all employers should immediately familiarize themselves. This strategy incorporates a three-prong approach to conduct worksite enforcement: (1) compliance through I-9 inspections, civil fines, and referrals for debarment; (2) enforcement through the arrest of employers knowingly employing undocumented workers and the arrest of unauthorized workers; and (3) outreach to instill a culture of compliance and accountability.

Derek Brenner, the acting director for ICE's Homeland Security Investigations, made the following statement to the Associated Press:

This is what we're gearing up for this year, and what you're going to see more and more of is these large-scale compliance inspections, just for starters. It's not going to be limited to large companies or any particular industry, big medium and small. It's going to be inclusive of everything that we see out there. We need to make sure that employers are on notice that we are going to come out and ensure that they're being compliant. For those that don't, we're going to take some very aggressive steps in terms of criminal investigations to make sure that we address them and hold them accountable.

"Today's actions send a strong message to U.S. businesses that hire and employ an illegal workforce: ICE will enforce the law, and if you are found to be breaking the law, you will be held accountable," said Thomas D. Homan, ICE Deputy Director and Senior Official Performing the Duties of the Director.

What Are The Consequences Of Immigration Violations?

Undeniably, ICE raids can be both devastating to operations and distressing to employees. But as yesterday's raids and the subsequent public statements reveal, any employer could be in ICE's

crosshairs when it comes to potential immigration violations. In this new era of extreme vetting, you should be on alert that non-compliance with federal immigration laws can result in significant consequences, including civil penalties for I-9 violations up to \$2,191 per violation, civil penalties for knowingly hiring undocumented workers up to \$21,916 per worker, and criminal penalties for managers and business owners of up to 10 years in prison and/or a \$250,000 fine for harboring, smuggling, concealing or transporting undocumented workers for financial gain.

By taking concrete steps now, however, you can limit your risk and do your best to avoid an invasive ICE raid altogether. Here are five steps you can take today to ensure extreme vigilance in an era of extreme vetting.

5-Step Plan To Avoid A Similar Fate

- Ensure your **I-9 compliance programs** are in place, up-to-date, and followed.
- **Complete I-9 forms** if any are lost or missing. All current employees hired after November 6, 1986 must have an I-9 form on file. Use payroll records to ensure that you have all I-9 forms required for current employees or prior employees.
- **Train staff and managers** on how to complete an I-9, and what actions they should take when they are made aware that an employee may not be authorized to work in the U.S.
- Conduct **regular internal I-9 audits** and remedy identified errors. You should have outside counsel conduct periodic I-9 audits as well.
- Train a **rapid response raid team** responsible for immediately contacting immigration counsel and employment counsel in the event of a raid. Some of the steps they should be prepared to handle include reviewing the government's search warrant to ensure the search is within the warrant's scope, monitoring the search without interfering, complying with the terms of warrant, tracking what and who is seized by ICE, preventing any employees from doing anything that might constitute harboring (e.g., hiding employees or aiding in their escape from the premises, shredding documents, or providing false or misleading information), and preparing to address the media during and after a raid.

If you have any questions about these developments or how they may affect your business, please contact any member of our [Global Immigration Practice Group](#), or your regular Fisher Phillips attorney.

This Legal Alert provides an overview of a specific national development. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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