

SUMMARY

I-9 Compliance and Workplace Immigration Enforcement

THE CHALLENGE

Upon hiring a new employee, U.S. companies are required to complete an I-9 Employee Eligibility Verification Form intended to verify the employee's identity and their eligibility for work in the United States. An I-9 form must be completed for all new employees within three days of their start date. Companies are required to retain a record of the I-9 form along with copies of the required employee verification documents for the duration of the employee's tenure plus either one year after departure or three years in total, whichever is more.

The current federal administration's aggressive approach to immigration enforcement extends to U.S. businesses. The Office of Immigration and Customs Enforcement (ICE) is responsible for enforcing compliance with immigration rules, foreign worker policies, and Form I-9 requirements. ICE can enforce immigration related workplace and employer requirements through two pathways: (1) an I-9 audit or (2) workplace raids.

In an I-9 audit, ICE reviews an employer's I-9 forms and supporting documentation to make sure they are accurate and that all its employees are authorized to work in the U.S. In a raid, ICE agents unexpectedly appear at the employer's job site to look for people working without proper authorization or to collect other evidence of noncompliance with immigration policy.

Historically, the majority of employee eligibility enforcement was carried out through I-9 audits. Under the Biden Administration, an average of 350 I-9 audits were completed each year from. The Trump Administration has a stated goal of annually completing 15,000 I-9 audits.

Increasingly, ICE workplace raids are used to investigate employee eligibility and immigration status. Employers should expect raids to increase across the country as a result of a \$170 billion allocation to ICE and border security in the July 2025 federal spending bill – a large increase from their prior annual budget of \$19 billion.

In addition to increasing immigration inspections and enforcement at American businesses, the federal government is pursuing civil and criminal charges against employers found to be in violation of relevant immigration laws and regulations as well as “anti-American employment bias.” Employers who fail to follow I-9 requirements may be subject to penalties that include civil fines, criminal prosecution including up to 10 years in prison and \$250,000, asset seizure, and cancellation of government contract work.

THE SOLUTION

Employers can minimize the risk of liability and ICE engagement by following these best practices:

- Establish and strictly follow a comprehensive I-9 policy that complies with federal mandates for timeliness, record retention, and identification verification.
- Learn what valid proof of employment authorization looks like.
- Enroll in and use the U.S. Customs and Immigration Services’ online I-9 verification tool, E-Verify, to validate employee eligibility.
- Routinely conduct internal audits of Form I-9 documentation and worker visas to ensure compliance with federal requirements.
- Remain aware of changes to federal employer-based visa and worker authorization rules as well as changes to Form I-9 requirements.
- Seek periodic consultation from an immigration attorney to update relevant internal policies and ensure compliance.
- Establish, in consultation with an immigration attorney, an ICE Raid Response Plan. Designate and train employees who will be responsible for enforcing the response plan in the event of an ICE raid.

THE RESULTS

Federal authorities have stated that workplace immigration raids along with other forms of immigration enforcement will escalate in 2026. Replacing immigrants arrested during workplace raids and workers that no longer feel safe going to their jobs may increase overall costs to businesses and their consumers. Workplace raids also inflict lasting trauma on employees, their



families, and the surrounding community. By following these best practices and remaining aware of changes to immigration policies that could affect your business, companies can minimize the risk of negative findings during an I-9 audit and of being an ICE target.

CASE STUDY SOURCE

[FisherPhilips](#)

[SHRM](#)

ADDITIONAL INFORMATION

[Reuters](#)