

DOJ Increases Focus on Immigration Crimes and Procurement Fraud

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PRACTICES Immigration, Litigation, White Collar and Investigations

Overview

A little over 100 days into the Trump Administration, DOJ has come out with a new memorandum outlining its enforcement priorities for corporate and white-collar crime. Most notably, DOJ has identified immigration crimes and procurement fraud as high-impact areas for investigation and prosecution. Companies and individuals operating in sectors exposed to these risks should take immediate steps to assess and strengthen their compliance programs in light of these developments.

DOJ's Enforcement Priorities: A New Era of Focus

DOJ's May 12, 2025, memorandum signals a strategic recalibration of its white-collar crime enforcement efforts. The department is now "laser-focused on the most urgent criminal threats to the country," with a clear mandate to prioritize cases that have the greatest impact on protecting U.S. citizens, companies and national interests. Among the 10 enumerated priority areas, both immigration crimes and procurement fraud feature prominently, reflecting DOJ's conclusion that these offenses inflict harm on the public fisc, government integrity and national security.

Immigration Crimes and Procurement Fraud: Heightened Scrutiny and Enforcement

DOJ's memorandum specifically discusses "violations by corporations of federal immigration law" and "corporate procurement fraud" as priority subject areas for investigation and enforcement. This marks a notable expansion of DOJ's traditional white-collar focus, signaling that corporate actors—rather than just individuals—will be under increased scrutiny for immigration and procurement related offenses.

Key aspects of this enforcement focus include:

- **Corporate Accountability:** DOJ is targeting not only individuals but also corporations that facilitate or commit immigration or procurement fraud violations. This includes companies that knowingly employ unauthorized workers, engage in document fraud, circumvent federal immigration requirements or exploit government programs such as Medicare, Medicaid and defense spending.
- **Whistleblower Incentives:** DOJ has amended its Corporate Whistleblower Awards Pilot Program to specifically include tips leading to forfeiture in cases involving corporate immigration violations or procurement fraud. This change is designed to encourage insiders to report misconduct, increasing the likelihood of detection and prosecution.
- **Asset Forfeiture and Victim Compensation:** Prosecutors are directed to identify and seize assets that are the proceeds of immigration or procurement fraud, with the goal of compensating victims where authorized by law.

- **Focus on Senior-Level Wrongdoing:** DOJ will prioritize schemes involving senior-level personnel or other culpable actors, demonstrable loss, and efforts to obstruct justice. This means that executives and high-ranking officials are at particular risk of prosecution if implicated in immigration or procurement fraud schemes.

Policy Changes and Compliance Implications

DOJ's memorandum is not merely a statement of intent. It is accompanied by concrete policy amendments designed to enhance transparency, promote individual accountability and streamline investigations. For companies, these changes have several important implications:

- **Self-Disclosure and Cooperation:** DOJ's Corporate Enforcement and Voluntary Self-Disclosure Policy (CEP) has been refined to provide additional benefits to companies that self-disclose misconduct, cooperate with investigations and remediate violations. Companies that take proactive steps may be eligible for reduced penalties and shorter terms of oversight.
- **Shorter and More Targeted Resolutions:** DOJ is moving toward shorter terms for corporate resolutions (such as deferred prosecution agreements), with a general expectation that such terms should not exceed three years except in rare cases. The department will also regularly review existing agreements to determine if early termination is warranted based on remediation and compliance improvements.
- **Efficient Investigations:** DOJ has directed prosecutors to move "expeditiously" to investigate white-collar schemes.

Practical Steps for Companies

Given DOJ's increased focus on immigration crimes and procurement fraud, companies should take the following steps to mitigate risk:

1. **Review and Update Compliance Programs:** Ensure that policies and procedures address both immigration law compliance and procurement integrity. Haynes Boone has a team specialized in these areas of law to review and revise policies to ensure compliance.
2. **Conduct Targeted Training:** Provide regular training to employees, managers, and executives on the legal requirements and risks associated with immigration and procurement activities. Haynes Boone routinely advises clients and assists in training and education to ensure companies are aware of the necessary requirements and associated risks.
3. **Enhance Internal Reporting Mechanisms:** Strengthen whistleblower and internal reporting channels to encourage early detection and remediation of potential violations. Haynes Boone often works with companies to draft and implement strategic approaches to strengthen internal reporting.
4. **Perform Risk Assessments:** Conduct periodic risk assessments focused on immigration and procurement fraud exposure, particularly in high-risk business units or geographic areas. Haynes Boone can assist with conducting the assessments and helping companies adopt practices to limit their exposure.
5. **Prepare for Government Inquiries:** Develop protocols for responding to government investigations, including document preservation, internal investigation procedures and

communication strategies. Haynes Boone has a well-trained and experienced investigation team that is able to respond both quickly and efficiently.