

Employer Preparation Tips for ICE Raids: Heightened Immigration Enforcement Under Trump Executive Orders

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PRACTICES Immigration, Criminal Investigations and Defense, Crisis Management

The opening weeks of the second Trump administration have seen a dramatic increase in immigration enforcement. U.S. Immigration and Customs Enforcement (ICE) has been conducting raids on employers in various industries. Also, the Department of Homeland Security has repealed Biden administration guidance exempting “protected areas” such as healthcare facilities, thereby expanding the impact of immigration enforcement on previously sheltered employers in the healthcare sector.¹

As of the date of this publication, the executive orders and ensuing agency action have shown an intent to focus on people in the United States without lawful status who have committed crimes. During the prior Trump administration, the Department of Justice pursued investigations into companies that employed significant numbers of unauthorized workers, especially when employers took steps that impacted the investigative efforts of the government.

As ICE activities continue to ramp up, it is important for employers to be prepared for a potential ICE raid. The following guidance can help you prepare for and respond to an ICE raid:

Preparing for the Risk of an ICE Raid

- Ensure I-9 Forms are properly completed for all employees, that acceptable documentation of identity and employment authorization has been presented and reviewed for all employees, and that records are maintained in an organized and accessible manner to permit verification of employment authorization for all employees to mitigate the risk that ICE may investigate an employer or conduct a raid.
- Develop a response plan and ensure all employees who may interact with agents during a raid are informed of:
 - Their role;
 - Who to contact (such as human resources, legal, compliance and the relevant division leadership) in response to a raid; and
 - Who will provide day-of guidance to on-site employees
- Designate an employee to act as point of contact in the event of a raid.
- Train employees on how to respond to a raid.
- Consider marking non-public areas with “Private” or “Employees Only” signs to ensure agents are on notice of the areas they may not enter without a valid judicial warrant.

Responding to an ICE Raid

A raid is a traumatic event, which will likely disrupt your normal business operations. Responding appropriately to the raid will help you mitigate risk and ensure the continuity of your business operations. If ICE agents are at your door, the designated point of contact should ask for the warrant or subpoena and send it immediately to corporate counsel, compliance and/or human resources to ensure prompt review by the appropriate legal and compliance personnel so that they can validate the warrant and understand the legal obligations for compliance. Outside counsel can assist your HR, compliance or legal teams to implement your response plan.

Federal law imposes criminal penalties for resisting the execution of a valid search warrant, destroying or removing property to prevent its seizure or obstructing investigations, including through the knowing destruction, alteration or falsification of records. Employers should ensure employees know not to obstruct the execution of the raid to mitigate the risk of criminal consequences for the employees and employer.

This notice provides general guidance on preparing for and responding to ICE raids. Additional industry-specific preparations may also be necessary. For more information, please contact a member of Haynes Boone's Government Enforcement and Litigation, [Criminal Investigations and Prosecutions](#) or [Immigration](#) Practice Groups.

¹ Release available at <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>.