

What You Need To Know About

# Immigration Law, ICE Raids, and Foreign Travel



## Key Resources on Audits, Raids & Rights

U.S. employers are facing new legal and operational risks in today's climate of heightened immigration enforcement – with many of these potentially costly exposures unfolding rapidly under recent executive orders and shifting federal priorities.

The government has made clear its intent to increase arrests and worksite investigations significantly, and that means businesses need to be prepared for surprise visits, document audits, and evolving scrutiny of workforce policies.

Employers are also navigating the decision to send employees out of the country on business trips. Once an employee leaves the U.S., they may encounter a tough time reentering both from the country they have traveled to and once they reach U.S. Immigration.

In a [recent webinar](#) in partnership with legal experts from [Fisher Phillips](#), we covered the most pressing risks employers are facing and what proactive steps you can take now to stay compliant, limit liability, plus protect your workforce while avoiding operational disruption.

## Risk to Employees

Immigration enforcement has been given a mandate: Deport at least one million undocumented individuals this year and significantly increase enforcement at the workplace level. I-9 audits have increased tenfold<sup>1</sup> compared to the same period last year, with agriculture, hospitality, and construction already facing high-profile workplace raids.

**Even well-intentioned organizations can find themselves in violation of federal law if they're not actively monitoring the immigration status of their workforce and compliance protocols.**

- One of the most immediate risks is **unknowingly employing individuals with expired and revoked work authorization**. Recent changes to parole programs and temporary protected status (TPS) designations mean that work eligibility seemingly can shift overnight. If an employee's documentation lapses without your knowledge, your company may be held accountable, even if the oversight was unintentional.
- The consequences are steep: **civil fines, reputational damage, and even criminal investigations are all on the table**. In some cases, HR and operational leaders may be individually scrutinized if found to be complicit in employing unauthorized workers.

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<sup>1</sup>The Washington Post "[ICE sets quotas to deliver on immigration crackdown on employers](#)," June 11, 2025.

- There are also **logistical and legal risks tied to visa processing delays**. From slow petition approvals to travel bans, employees may find themselves unexpectedly stuck abroad – or afraid to travel altogether. Miscommunication around these delays can disrupt business operations and put employees at personal and professional risk.
- Lastly, employers should be aware of **new scrutiny on DEI programs and hiring practices**. A recent executive order challenges the way organizations structure their diversity effort, opening the door for potential **Title VII claims**. Programs once viewed as progressive may now be interpreted as exclusionary if they provide tangible benefits to one group over another or use protected characteristics – such as race, gender, or national origin – as job qualifications.

Together, these shifting policies and priorities add up to one clear takeaway: **passive compliance is no longer enough**.

## What Employers Should Do Now

The best defense against immigration-related enforcement is preparation. Proactive steps can help ensure compliance, minimize disruption, and protect both your employees and your business.

**Audit I-9s and work authorization documents.** Work with legal counsel to review I-9s and work authorization documentation across your workforce. Many employers mistakenly believe that once an I-9 is completed, it never needs to be revisited. But revocations of programs like TPS or humanitarian parole (e.g., CHNV) can render previously valid authorizations expired. You must terminate employment if authorization lapses, regardless of tenure or role.

**Designate a response point person and build a protocol.** In the event of an ICE visit or I-9 audit, timing is critical. Businesses have only three business days to respond to a Notice of Inspection, and failing to notify the correct individuals can result in noncompliance. Ahead of this risk, establish:

- A trained internal point of contact (typically HR or Legal).
- A written immigration response protocol that outlines what to do when ICE appears at your site.
- A script for addressing ICE inquiries for reception and other frontline staff.
- A documented escalation path to legal counsel and executive leadership.

**Post clear signage to mark private spaces for employees.** ICE access is limited. Agents can only enter non-public spaces – such as employee-only offices, break rooms, or warehouses – with a **judicial warrant** signed by a judge. However, agents may attempt to enter these areas with an administrative warrant, which doesn't confer the same legal access. To protect your business, limit access points and make clear to agents and visitors what is off-limits without judicial authorization.

**Know and assert your rights.** Legal counsel does not need to be present immediately, but they can help enforce your rights. You are entitled to consult with them, such as by phone, before answering questions or handing over documents. And if ICE demands action, make sure to:

- Ask to see a warrant and inspect it carefully.
- Confirm it is signed by a federal judge, matches your business name and address, and specifies the areas and scope of work that they're authorized to search or documents they can seize.
- Do not consent to access without the proper warrant, and do not allow "voluntary" searches or interviews.

**Avoid protected categories in hiring.** The federal government is beginning to scrutinize diversity-focused hiring and programs under Title VII. To stay compliant, avoid using protected characteristics as criteria in job postings, even if requested by a client. Also, ensure affinity groups are open to all employees and provide equal benefits or access to resources.

## Insurance and Risk Mitigation Strategies

Even with a strong compliance program, enforcement actions can still carry financial and reputational consequences. That's where insurance becomes a critical part of your broader risk strategy. Policies like **Directors & Officers (D&O)**, **Employment Practices Liability (EPL)**, **Kidnap & Ransom (K&R)**, and **Cyber Liability** can help provide security to management decisions in uncertain times: absorbing costs related to legal defense, protecting employees if they get detained, and ensure coverage in the event of a privacy breach or public fallout.

Now is the time to review your coverage, confirm key protections are in place, and consider whether your current limits align with today's risk landscape.

For more information about coverage considerations, [watch the full webinar recording](#).



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