



State of Immigration in the Workplace in 2025

President Trump's administration has made or proposed significant changes that will impact how companies do business and manage their workforce. Among the most drastic actions we have seen is immigration, which is unsurprising given its focus of attention during the campaign and from his supporters. President Trump has stated he intends to deport up to 20 million people, while experts estimate there are only 11 million undocumented people in the US currently. Since only two million non-citizens have criminal histories and/or previously issued final orders of removal, the other eighteen million immigrants impacted will likely be those currently protected under Deferred Action for Childhood Arrivals (DACA or "Dreamers"), Temporary Protected Status (TPS), Deferred Enforced Departure (DED), and other humanitarian parole programs.

Changes to Protected Status Programs

Department of Homeland Security (DHS) Secretary Noem began rescinding previously extended TPS (and therefore their Employment Authorization Documents (EAD)) for citizens of certain countries with more expected in the future. Her actions have already changed the TPS expiration for Haitian citizens to August 3, 2025, and for Venezuelan citizens to April 7, 2025, or September 5, 2025, depending on which extension they were under. This means that, unless they have been able to gain a protected immigration status outside of the TPS, more than one million people will no longer be able to legally live and work in the US within the next six months. Additionally, the DEDs (and their EADs) for people from Hong Kong and Palestine will expire this year, and those for Lebanon and Liberia will expire in 2026.

Enhanced Enforcement Measures

DHS has also announced that it will expand its use of the expedited removal process. The expedited removal process allows the US to quickly deport a person they believe to be an undocumented non-citizen without further processing, including seeing a judge, unless they pass a screening interview justifying their fear of returning to their country. This expedited removal process has been standardly used on undocumented people found within 14 days of their arrival in the US and 100 miles of the border. However, DHS has announced that it will begin using the expedited removal process for any undocumented person who cannot prove they have been in the US continuously for the past two years, regardless of where in the US they are.

ICE agents, working with law enforcement agents from other federal, state, and local agencies, have begun conducting raids to find, detain, and deport undocumented immigrants. While the initial focus was to be only those convicted of criminal activity, others with non-violent or even no criminal history other than having no current authorization to reside or work in the US are also being detained as part of these sweeps.

Additionally, agents from ICE and Homeland Security Investigations (HSI) have also been tasked with increasing their I-9 audits to locate those workers who are not eligible to work in the US and employers allowing them to work. It is expected that the Trump administration will aim to conduct 15,000 I-9 audits per year, as was the intention of his prior administration before COVID-19. As a



result of these audits, employers could face fines ranging from \$281 to \$2,789 per violation for paperwork errors alone for properly documented employees and ranging from \$698 to \$27,894 per violation for employing and/or retaining workers who are not authorized to work in the US.

What Companies Can Do to Protect Themselves and Their Employees

Review I-9 Forms and Processes

Under the Immigration Reform and Control Act of 1986 (IRCA), all employers must verify the work authorization of every employee hired since November 6, 1968, and retain proof of this authorization by completing a “Form I-9: Employment Eligibility Verification.” Form I-9 demonstrates your good-faith effort to comply with IRCA but has some very specific requirements to be correct. **Any and all mistakes and/or omissions could result in fines, each one contributing to a possible hefty total penalty.** To reduce your exposure in case you are one of the 60,000 companies targeted for a Form I-9 audit in the next four years, we recommend reviewing your process for completing I-9s for new hires, training those who will be completing them, reviewing your recordkeeping practices, and doing an internal audit of your I-9s.

Preparing for ICE Visits and Audits

ICE agents could visit a company for several reasons. They could be serving a Notice of Inspection (NOI) to audit the I-9 Forms, investigating a specific person or a group of employees (usually under an administrative warrant), or conducting an immediate enforcement action under a judicial warrant (“raid”). While these actions have different characteristics in terms of severity, timing, and comprehensiveness, a company’s action plan can minimize impacts while ensuring compliance in each case. It is critical that you engage legal counsel familiar with immigration law not only to review your plan of action but also to call as soon as agents arrive to counsel you through their search, investigation, and audit.

Next Steps and Support Options

Review and update your plan of action, designated point people, and procedures regularly to ensure your organization is always ready for a visit from ICE or other law enforcement.

The Workplace Advisors can help you and your HR team review your Form I-9s and your procedures for their completion and recordkeeping to reduce your exposure in case you are one of the 60,000 companies targeted for a Form I-9 audit in the next four years. We can also help you train the employees responsible for completing the Form I-9s. Additionally, through our compliance-focused HR Support Plan, we can create or update your employee handbook, notify you of regular updates, and offer one-on-one guidance on specific employee management or compliance situations. For I-9 or other compliance support, contact us at 877-660-6400 or hello@TheWorkplaceAdvisors.com.

By Paige McAllister, Vice President of Compliance, The Workplace Advisors