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Key Immigration Changes Under President Trump 2.0

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Since day one in the Oval Office, President Trump has made sweeping immigration policy changes with a focus on tightening the U.S. borders and deporting undocumented migrants. While these changes undoubtedly affect individuals the most, they also impact U.S. businesses. Here are the top three areas of change impacting employers.

ICE Enforcement Raids

During President Trump's first term, U.S. Immigration and Customs Enforcement (ICE) most frequently targeted states in the Southeast and Midwest. This term, however, ICE aims to make up to 1,500 arrests per day across the U.S. under President Trump's directive to deport undocumented migrants. The current administration also rescinded the policy that protected sensitive locations (such as schools, hospitals, and churches) from such raids. Overall, the agency's all-hands-on-deck approach to deporting undocumented migrants has resulted in a 627% increase in monthly arrests compared to 33,000 arrests made under the Biden administration in 2024. These arrests have occurred in homes, at traffic stops, and at places of employment, to name a few. As ICE continues to target undocumented individuals in the U.S., more businesses can expect a visit from ICE in its efforts to apprehend such individuals.

As ICE's enforcement raids can undoubtedly have an operational and financial impact on businesses, employers should consider devising a Response Plan that prepares the management for a potential raid. Factors to consider as part of a Response Plan may include whether to designate public versus nonpublic areas (which require a judicial warrant to gain access), preparing a script for personnel who would interact with the agents on site, and deciding whether to grant or deny access if the agents do not present a valid judicial warrant.

Form I-9 Audits

Employers may expect a similarly aggressive approach from ICE to ensure that they comply with the employment eligibility requirements under federal law, including proper Form I-9 documentation showing that they verified the identity and work authorization status of their employees. The number of I-9 audits quadrupled compared to the prior administration in President Trump's first term, so employers should anticipate an uptick in ICE's efforts to enforce employer compliance in the coming months.

The president's directives encourage ICE to seek the maximum penalties for I-9-related violations. The current monetary fines for I-9-related violations, which went up in January 2025, are as follows:

- Penalties for I-9 paperwork violations range from \$288 to \$2,861 per I-9 form; and
- Penalties for knowingly hiring, recruiting, and/or retaining unauthorized workers range from \$716 to \$28,619 per

violation.

Criminal penalties are also possible, especially for serious violations such as engaging in a pattern of knowingly hiring unauthorized workers. If found guilty, employers could face debarment from government contracts and even six months of imprisonment for individuals who are found to have perpetrated this practice. During the current administration, employers may expect ICE officers to investigate any instances of hiring unauthorized workers more rigorously than before. Note that constructive knowledge (knowledge implied from certain circumstances, as opposed to actual knowledge) can be sufficient to find an employer guilty of knowingly hiring, recruiting, and/or retaining unauthorized workers.

While some businesses will be selected at random, employers with prior histories of an audit as well as those suspected of hiring undocumented workers may have higher chances for an I-9 audit. Additionally, certain industries which are more likely to employ undocumented workers and businesses with a history of noncompliance may become greater targets for an I-9 audit.

Employers should consider conducting an internal I-9 audit in advance, making proper corrections and updates to the existing I-9 forms to bring them up to compliance and exhibit good faith in the event of an audit by the federal government.

Temporary Protected Status Designation Terminated

So far, there have been changes to the Temporary Protected Status (TPS) designation for Haiti and Venezuela.

Haiti

On February 20, Secretary of Homeland Security Kristi Noem partially vacated a prior TPS extension of Haiti, thereby reducing the designation period from 18 months to 12 months. As a result, the TPS designation and authorization to work are expected to terminate on August 3, 2025, instead of February 3, 2026. Employers who have reverified the Employment Authorization Documents (EADs) for Haitian national employees under the TPS category code A-12 or C-19 are instructed to go back to the applicable Forms I-9 and update their authorization to work to August 3, 2025.

Venezuela

Both the 2021 and 2023 TPS designations for Venezuela were extended by the previous secretary of homeland security, Alejandro Mayorkas, in January 2025. On February 3, 2025, Noem vacated the former secretary's decision to extend the TPS designation. As a result, any eligible automatic extensions through April 2, 2026, under the 2023 TPS designation are no longer valid. For purposes of verifying an employee's work authorization, employers should go by the actual expiration date on the employee's EAD. Further, U.S. Citizenship and Immigration Services (USCIS) announced it will invalidate any EADs, I-797s, or I-94 records issued with the October 2, 2026 date.

In anticipation of the work authorization expirations of impacted workers, employers should review their I-9 forms to determine potential impact. Employers may also want to explore alternative visa options for employees essential to their business.

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