

**To:** Winery Distribution Center  
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**Topic:** Martha's Corner: Continued Increase of ICE Audits

*The following is sent to you as a service to assist you in reducing losses. An ICE audit/raid can be very stressful and disruptive to a business. This article presents ways to handle an ICE audit/raid situation if one were to occur. Please feel free to forward on to members of your team or business associates in an effort to help reduce losses industry-wide.*

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## Employers, Prepare for Continued Increase of Immigration & I-9 Audits

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In 2018, employers experienced a dramatic spike in investigations by Immigration and Customs Enforcement (ICE) nationwide. Specifically, ICE has significantly increased I-9 audits and worksite raids in states, counties, and cities with "sanctuary" status, and this trend has continued going into 2019.

I-9 forms are used by ICE to verify the identity and employment authorization of individuals. An I-9 audit, whether conducted by ICE or internally, will examine the immigration status of your workers and your compliance with federal immigration laws. Any business may be subject to an I-9 audit, and regardless of whether employers think they have employees who require immigration support, employers should realize the risks for noncompliance.



Before coming to your facility and conducting an investigation, ICE will send a *Notice of Inspection*, asking for I-9s and related documentation within a short period of time (as little as three (3) days). To conduct a raid, ICE is required to present a search warrant from a judge and demonstrate probable cause. Make sure to retain a copy of the search warrant for your records. It is feasible to monitor the search to ensure the ICE agents stay within the scope of the warrant. Lastly, be prepared for attention from the media after a raid.

Recommended actions to reduce the risk of an ICE raid:

1. Develop an I-9 compliance program to implement a system for storing I-9 records and a Human Resources professional to oversee this program.
2. Complete missing or lost I-9 forms. Payroll records can be used to double check that you have all I-9 forms required for current and/or prior employees.
3. Train employees on how to properly fill out an I-9 form, and what actions managers should take when they are made aware that an employee may not be authorized to work in the US.
4. Conduct an internal I-9 audit and correct any errors that may have been found. It may be a good idea to consult a third party to conduct I-9 audits as well.
5. Establish a rapid-response team to handle ICE raids and immediately contact company management and lawyers.

*If you have any questions, please call/email me:*

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