





# Audits and Raids: What Happens & How to Prepare

Kevin Robert Lashus, FisherBroyles LLP, Austin, TX  
Patrick K. O'Rourke, Harry Gee & Associates, PLLC, Houston, TX



For what reason might ICE target an employer for an audit or raid?



**Start the presentation to activate live content**



If you see this message in presentation mode, install the add-in or get help at [PollEv.com/app](https://PollEv.com/app)

## INA 274A

- It is unlawful ... to hire, or ... to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien ...
- The person or entity must attest ... on a form ... that it has verified that the individual is not an unauthorized alien

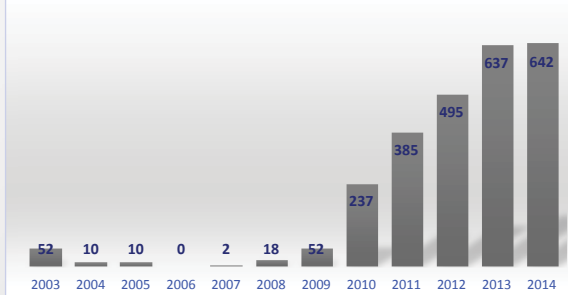
10/26/2017

UT LAW 2017 CONFERENCE

### Workplace Criminal Arrests



### I-9 Audit Final Orders



- 2006 – Swift raids
  - Over 1,000 ICE police
  - 6 meat plants,
  - 1,297 arrested
- 2008 – Postville raid
  - Over 1,000 ICE police in SWAT gear, helicopters, and SUVs
  - 389 arrested
- Employer I-9 audits, not raids, became the focus under Obama

10/26/2017

UT LAW 2017 CONFERENCE

## LATEST COMPLIANCE DEVELOPMENTS

- July 17, 2017 U.S. Citizenship and Immigration Services (USCIS) published a revised version of Form I-9, Employment Eligibility Verification
- By September 18, 2017, employers must use only the new version, dated 07/17/2017. Until then, they can continue to use the version dated 11/14/2016 or the new version.
- The revised form can be completed on a computer. And, if so, it includes drop-down lists and calendars for filling in dates, on-screen instructions for each field, and an option to clear the form and start over.

10/26/2017

UT LAW 2017 CONFERENCE

## LATEST COMPLIANCE DEVELOPMENTS

Other changes include:

- The addition of prompts to ensure information is entered correctly.
- The ability to enter multiple preparers and translators.
- A dedicated area for additional information rather than having to use the margins.
- A supplemental page for the preparer/translator.

10/26/2017

UT LAW 2017 CONFERENCE

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Audits and Raids, Part I: What Happens and How to Prepare

Also available as part of the eCourse

[2017 eConference on Immigration and Nationality Law](#)

First appeared as part of the conference materials for the  
41<sup>st</sup> Annual Conference on Immigration and Nationality Law session  
"Audits and Raids, Part I: What Happens and How to Prepare"