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Recent ICE Enforcement Activity Highlights Need for Rapid Response Preparedness

With the Trump administration's intensified focus on immigration enforcement in 2025 and extending into 2026, U.S. employers are facing a marked increase in workplace enforcement actions, including audits, raids and compliance checks by U.S. Immigration and Customs Enforcement ("ICE"). These unannounced actions, often conducted through ICE's Homeland Security Investigations, or in coordination with other agencies like Customs and Border Protection, can lead to operational disruptions, arrests, detentions, substantial civil fines, potential criminal charges, workforce shortages and reputational harm. Even organizations with robust compliance programs are not exempt from scrutiny, particularly in industries reliant on foreign-born labor.

This escalation is fueled by ICE's historic manpower expansion. On January 3, 2026, ICE announced a 120% increase in its workforce, adding more than 12,000 officers and agents through an unprecedented nationwide recruitment campaign that exceeded expectations and drew over 220,000 applications. This surge enables broader and more aggressive enforcement, including both targeted workplace actions and community-based operations.

The administration's policies have introduced several key changes that heighten risks for employers:

- **End of Sensitive Locations Policy:** ICE operations now are permitted in areas previously considered off-limits, such as hospitals, schools and places of worship, exposing sectors like healthcare, education and nonprofits to surprise inspections.
- **Resumption of Large-Scale Raids:** Unannounced visits targeting worker detentions and record seizures have ramped up, especially in the agriculture, construction, hospitality and retail industries. While all sectors may encounter ICE actions, these industries are particularly vulnerable due to their workforce demographics.
- **Stricter I-9 Audits:** Employers must produce Form I-9 documentation within three business days of a Notice of Inspection, with non-compliance risking fines up to \$27,894 per violation and criminal penalties for habitual offenders.
- **Additional Policy Changes:** Potential termination of DACA, revocation of Temporary Protected Status for groups like Venezuelans, stricter H-1B visa rules and mandatory nationwide E-Verify could further complicate compliance.

Increase in Community Enforcement Operations

ICE also has ramped up community-based enforcement, often in immigrant-dense or sanctuary areas, with spillover effects on nearby businesses and neighborhoods. While Operation Metro Surge in Minneapolis has received widespread attention, involving thousands of agents, over 3,000 arrests, protests and significant community disruption,

similar patterns are emerging elsewhere, including large-scale arrests in and around Chicago, West Virginia, Houston, Phoenix and Denver.

These operations create broader economic impacts, such as reduced foot traffic, temporary business closures and staffing challenges in adjacent areas due to heightened fear and avoidance of public spaces.

The Importance of Proactive ICE Response Plans

Unannounced ICE visits can escalate rapidly, causing chaos if not managed with precision. A comprehensive ICE response plan is crucial to protect your company, staff and clients by facilitating coordinated actions that minimize disruptions, ensure rights are upheld during agent interactions, reduce liabilities through informed responses and document events for future defenses. Without such protocols, employers risk confusion, unauthorized disclosures or failure to assert key protections, such as demanding a subpoena or judicial warrant for private areas. ICE response plans should incorporate designated response teams, employee training and communication strategies for any scenario.

Practical Implications and Proactive Steps for Employers

To mitigate risks, employers should:

- **Conduct Internal I-9 Audits:** Regularly review forms for accuracy, store them securely separate from personnel files and retain them for the required period (three years post-hire or one-year post-termination, whichever is later).
- **Develop a Response Protocol:** Train reception staff on initial interactions, appoint a liaison to verify warrants and escort agents, designate public vs. private areas, and instruct employees to direct questions to the liaison without discussing immigration statuses.
- **Provide Workforce Training:** Offer “Know Your Rights” sessions emphasizing the right to remain silent and noting that ICE typically lacks judicial warrants for private spaces, relying instead on voluntary access.
- **Strengthen Hiring Practices:** Implement E-Verify for work eligibility verification and audit subcontractors or temp agencies for compliance.
- **Establish Communication Strategies:** Create protocols for internal/external messaging, verifying agent credentials and documenting all interactions.

Contact Us

Proactive preparation is key to weathering these enforcement challenges. For assistance with ICE response plans, ICE response training, compliance strategies or any immigration-related concerns, please contact Kutak Rock's [National Immigration Team](#) or any member of the firm's [National Employment Law Group](#) to learn more. You may also visit us at www.kutakrock.com.