

ICE INVESTIGATIONS, I-9 AUDITS, AND RAIDS: ICE 调查、I-9 审核与突袭: WHAT EMPLOYERS NEED TO KNOW

雇主需知

Compliance, Preparedness, and Response

合规、预案与应对

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Overview of ICE and Its Enforcement Role

ICE 及其执法职能概述



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ICE's Mission ICE 的使命

Enforce immigration laws, focusing on worksite enforcement to ensure employment of authorized individuals.

执行移民法，重点在于工作场所执法，以确保雇佣具备合法工作资格的个人。

Key Divisions 主要部门

Homeland Security Investigations (HSI): Conducts criminal investigations, including worksite enforcement.

国土安全调查局：负责刑事调查，包括工作场所执法。

Enforcement and Removal Operations (ERO): Manages detention and removal of unauthorized individuals.

执法与遣返局：负责拘留及遣返无合法身份的个人。

01 **Form I-9 Audits:** Review of employment eligibility verification forms.
I-9 表审核：审查雇员工作资格验证表格。

02 **Worksite Inspections:** Unannounced visits to verify compliance.
工作场所检查：突击访问以核实合规情况。

03 **Subpoena and search warrant**
传票与搜查令

Key Enforcement Tools

主要执法途径



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Types of ICE Actions

ICE 行动类型

ICE 行动类型 ICE Action Type	含义 Meaning	应对方式 Response Strategy
Inspection Notice (I-9 Audit) 检查通知 (I-9 审计)	ICE requests to audit I-9 forms. ICE 要求审查 I-9 表格。	Employers have three business days to provide records. Consult legal counsel. 雇主有三个工作日提供记录。咨询律师。
Worksite Investigation and Raids 工作场所突袭	ICE conducts immediate arrests. ICE 立即进行逮捕。	Employees have the right to remain silent and request legal counsel. Employers should contact legal counsel immediately. 员工有权保持沉默并请求法律顾问。雇主应立即联系律师。
Subpoena and search warrants 传票或搜查令	ICE seeks specific records or access authority. ICE 寻求特定记录或访问权限。	Request a copy; only provide listed items. Legal review is recommended. 请求副本，仅提供列出的内容。建议进行法律审查。

Form I-9 Overview

I-9 表概述

PURPOSE

目的

Verify identity and employment authorization of employees.

核实雇员的身份及其就业授权。

SECTIONS

表格

Section 1: Completed by employee on or before the first day of employment.

第 1 部分：由雇员在入职当日或之前填写。

Section 2: Completed by employer within three business days of the employee's start date.

第 2 部分：由雇主在雇员入职后三个工作日内填写。

RETENTION

保留期限

Maintain for three years after the date of hire or one year after employment ends, whichever is later.

自雇佣之日起三年，或自雇佣终止之日起一年，以时间较晚者为准。

Common I-9 Mistakes

常见 I-9 表错误



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Incomplete Forms

表格不完整

Missing signatures, dates, or required information.

缺少签名、日期或必要信息。

Accepting invalid or expired documents.

接受无效或过期的文件。

Improper Document Verification

文件验证不当

Discrimination

歧视行为

Requesting specific documents based on national origin or citizenship status.

根据国籍或公民身份要求特定文件。

Not updating forms when work authorization expires.

在工作授权到期时未更新表格。

Failure to Reverify

未重新验证

I-9 Audit Process

I-9 审计流程



I-9 Audit (Notice of Inspection, NOI):

ICE issues a NOI to the employer, requiring submission of all employees' I-9 forms and related documents—such as payroll records, employee rosters, and business registration documents—within three business days. If ICE determines that one or more employees are not authorized to work in the U.S., the employer has up to 10 days to provide valid work authorization for those employees.

I-9 表格审计：

ICE 向雇主发出 NOI，要求在 3 个工作日内提交所有员工的 I-9 表格及相关文件，如工资单、员工名单、公司注册文件等。如果 ICE 确定一名或多名员工无权在美国工作，雇主有最多 10 天的时间提供这些员工的有效工作授权。

ICE Raids and Worksite Enforcement Actions

ICE 突袭与工作场所执法行动



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TRIGGERS

触发因素

Tips, complaints, or follow-up on audits.
举报、投诉或审计后的后续行动。

TYPES OF RAIDS

突袭类型

Administrative: Focused on civil violations.
行政性突袭：针对民事违规行为。

Criminal: Targeting employers engaged in unlawful hiring practices.
刑事性突袭：针对从事非法雇佣行为的雇主。

LEGAL AUTHORITY

法律权限

ICE must have a judicial warrant to enter non-public areas without consent.
如无同意，ICE 必须持有司法搜查令方可进入非公众区域。

Special Notice

特别提醒

- ICE may enter the workplace without prior warning to check employee identification.
• ICE可在无预警的情况下进入工作场所，检查员工身份。
- Unless ICE presents a search warrant signed by a judge, agents may only access public areas; access to non-public areas requires the employer's consent or a valid search warrant.
• 除非持有由法官签署的搜查令，否则ICE只能进入公共区域，非公共区域需获得雇主同意或出示有效搜查令。
- In cases involving suspected fraud, human trafficking, or other violations, ICE may execute a criminal search warrant and arrest individuals.
• 在涉嫌欺诈、人口贩运或其他违规行为的情况下，ICE 可能执行刑事搜查令并逮捕个人。

What to Do During a Raid

突袭期间的应对措施



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DESIGNATE A RESPONSE TEAM

指定应对小组

Identify individuals authorized to interact with ICE agents. This individual may take notes or record video of the agents.

明确由哪些人员负责与 ICE 特工沟通。该员工可以做笔记或录制特工的视频。

REQUEST IDENTIFICATION

要求出示证件

Write down the name of the supervising ICE agent and the name of the U.S. attorney on the case. Request for warrant, which must be signed by a judge, with time frame and list of items to be searched.

记录ICE探员的姓名以及该案件检察官的姓名。索取搜查令，须有法官签字，并注明时间和搜查物品。

LIMIT ACCESS

限制进入范围

Immigration officers can enter public areas of the work place, but must have a valid search warrant to enter nonpublic areas.

未获合法授权，不允许进入非公共区域。

QUESTION EMPLOYEES

询问员工

ICE may demand that equipment be shut down and that no one leave the premises without permission; ICE may move employees into a contained area for questioning.

ICE 可能会要求关闭设备，并禁止任何人在未经许可的情况下离开现场；ICE 可能会将员工带到一个封闭区域进行讯问。

What to Do During a Raid

突袭期间的应对措施



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CONDUCT TO AVOID

避免的行为

Do not direct employees to refuse to speak to agents when questioned. Do not hide employees or assist them in leaving the workplace. Do not provide false or misleading information, falsely deny the presence of named employees, or shred documents.

不要指示员工在被讯问时拒绝与执法人员交谈。不要隐藏员工或协助他们离开工作场所。不要提供虚假或误导性的信息，不要谎称某些员工不在场，也不要销毁文件。

REQUEST IDENTIFICATION

要求出示证件

Employees have the right to remain silent and do not need to answer every question. They may refuse to disclose their immigration status or nationality. They may ask to speak to an attorney.

员工有权保持沉默，无需回答所有问题。他们可以拒绝透露自己的移民身份或国籍，也可以要求与律师交谈。

KEEP RECORDED

做好记录

Keep records of agent names, badge numbers, and actions taken. Document any seized items and ask to make copies. ICE is obligated to provide a list of what has been taken.

详细记录特工姓名、徽号及其采取的行动。记录被带走的物品，并在原件被带走之前询问是否可以制作副本。ICE有义务向您提供所带走物品的清单。

Penalties and Consequences

处罚与后果

Notice of Audit Results

Upon conclusion of the audit, ICE may issue the following types of notices to the employer:

- **Notice of Compliance:** Informs the employer that I-9 requirements have been met.
- **Notice of Suspect Documents:** Indicates that certain employee documents are invalid, which may result in civil or criminal penalties.
- **Notice of Discrepancies:** States that ICE cannot confirm the employment authorization of certain employees and allows the submission of additional documentation.
- **Notice of Technical or Procedural Failures:** Identifies technical or procedural violations and grants the employer 10 days to correct them.
- **Warning Notice:** Issued when substantial verification violations are found but ICE believes the employer is likely to comply moving forward.
- **Notice of Intent to Fine (NIF):** Issued for substantive violations, uncorrected technical or procedural failures, knowingly continuing to employ unauthorized workers, or a pattern of violations.

审查结果通知

审查结束后，ICE会向雇主发出以下几类别的通知：

- **合规通知：**通知企业符合 I-9 要求；
- **可疑文件通知：**通知雇主根据检查，有些员工的文件无效，可能导致的刑事和民事处罚；
- **信息不一致通知：**通知雇主根据调查并不能确定某些员工在美国工作的合规性，并提供提交额外文件的机会；
- **技术或程序性失误通知：**指出此次检查发现雇主存在技术或程序性违规，并给予雇主 10 天时间纠正违规行为；
- **警告通知：**在发现实质性验证违规但判断雇主未来或许合规的情况下发出；
- **拟罚款通知（NIF）：**可能因实质性违规、未纠正的技术或程序性失误、明知违规但继续雇佣行为或持续违规而发出。

Penalties and Consequences

处罚与后果



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CIVIL FINES

民事罚款

Paperwork Violations: Up to \$2,861 per violation.

文书违规：每项最高罚款达 2,861 美元。

Knowingly Hiring Unauthorized Workers: Up to \$28,619 per violation.

明知雇佣无合法身份员工：每项最高罚款达 28,619 美元。

CRIMINAL

CHARGES

刑事指控

Possible for patterns of violations or harboring unauthorized workers.

若存在系统性违规或窝藏无合法身份员工的行为，可能面临刑事起诉。

DEBARMENT

除名处罚

Potential exclusion from federal contracts.

可能被禁止参与联邦合同项目。

Top Triggers for ICE Inspections——B-1 Visa Misuse

最易触发ICE突查——B-1签证风险行为



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✓ Legitimate B-1 Uses

合法 B-1 签证活动

**PROJECT
CONSULTATION**
项目咨询

Advising/supervising U.S. projects without hands-on work.
受外籍雇主派遣来美提供建议，不参与实际执行。

**AFTER-SALES
SERVICE**
售后服务

Installation/training only if stated in sales contract.
安装或培训服务必须在销售合同中明确。

**OBSERVATIONAL
TRAINING ONLY**
观察式培训

No hands-on work or pay; observation only.
不参与实际操作，无薪酬。

✗ Improper B-1 Activities

不适用 B-1 签证的情形

Paid Work: Receiving compensation in the U.S.
有偿工作：在美领薪或获取任何报酬。

Long-Term Positions: Substantive, long-term employment arrangements.
长期职位：实质性工作安排或长期雇佣关系。

Professional Skilled Services: Work resembling H-1B/H-3 roles, even if unpaid.
专业技能服务：涉及H-1B/H-3范围的活动（如培训、专业服务）。

Entertainment Performances: Performing artists not qualifying under B-1.
娱乐表演：专业娱乐人士来美表演。

Preventive Compliance Measures

Best Practices

预防性合规措施



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Internal I-9 Audits 内部I-9审查

Periodically review the completion and retention of I-9 forms to ensure accuracy and compliance.

定期检查I-9表格的填写和保存情况，确保信息准确无误。

Use the E-Verify system to confirm employment eligibility of new hires, enhancing compliance.

加入E-Verify系统，验证新员工的工作资格，增强合规性。

Enroll in the E-Verify 参与E-Verify计划

Train HR & Hiring Managers 人事部培训

Train HR and hiring managers to properly complete Form I-9, maintain records, and avoid unlawful discrimination during the verification process.

培训人力资源和招聘经理正确填写I-9表格、保存记录，并在核查过程中避免非法歧视。

Preventive Compliance Measures

Best Practices



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预防性合规措施

Designate Representative 预先指定专门人员

Identify individuals authorized to interact with ICE agents in advance. This individual may take notes or record video of the agents. Ensure that legal rights are protected.
预先明确由哪些人员负责与 ICE 特工沟通。该员工可以做笔记或录制特工的视频。确保合法权益不受侵犯。

Mark public and non-public areas. Area labeled “Employees Only” is considered non-public and ICE may not enter without a valid search warrant
标明公共区域和非公共区域，如果某些区域标有“仅限员工”，则这些区域是非公共区域，ICE 在没有有效搜查令的情况下不得进入。。

Clearly Define Work Area Boundaries 明确公共区域划分

Employee Training 员工培训

Educate employees on how to respond during ICE raids, including their right to remain silent and to be informed.
培训员工了解在ICE突击检查时的应对措施，包括知情权和保持沉默的权利。

Best Practices Checklist

最佳检查清单

01

Maintain accurate and complete I-9 forms.

保持 I-9 表格的准确性与完整性。

02

Enroll in the E-Verify

参与E-Verify计划

03

Train HR & Hiring Managers

人事部培训

04

Develop a clear plan for handling ICE interactions.

制定清晰的 ICE 应对方案。

05

Designate Representative

预先指定专门人员

06

Train staff on compliance and response protocols.

对员工进行合规与应对流程的培训。

Services We Offer

我们可以提供的服务



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I-9 Compliance Internal Audit: Assist in reviewing and correcting I-9 forms to ensure compliance with federal regulations.

I-9合规内部审计: 协助审查和修正I-9表格，确保符合联邦规定。

ICE Audit Support: Offer legal consultation upon receipt of a Notice of Inspection or during an ICE raid.

应对ICE审查支持: 在收到NOI或遭遇突击检查时，提供法律咨询支持。

Employment Eligibility Assessment: Evaluate employee work authorization and assist with extensions, status changes, or other legalization procedures.

员工身份合法性评估: 评估员工的工作资格，协助办理身份延期、转换或其他合法化手续。



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Q & A

THANK YOU!



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