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2025 Guidance For ICE Raids & Audits

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Within hours of the inauguration, the Trump Administration issued several executive orders aimed at enforcing immigration laws. As a result, NWPCA has received several inquiries from member companies regarding the process and how they can be prepared to show their compliance should a U.S. Immigration and Customs Enforcement (“ICE”) raid occur. This memo has been prepared to assist with those preparations. Please consult your attorney to further develop an appropriate plan.

As background, the new administration declared a national emergency at the southern border, and the Department of Homeland Security (“DHS”)

rescinded a Biden-era policy that restricted enforcement at sensitive locations such as schools, hospitals, and places of worship. As of the date of this guidance, these directives are primarily focused on (1) persons in the United States without lawful status who have committed crimes and (2) individuals who were previously eligible for humanitarian parole programs or refugee programs.

ICE has already reported a substantial increase in ICE raids, and DHS recently issued a final rule that raises monetary penalties for Form I-9 violations. Given the crescendo of immigration enforcement, employers should take proactive measures to prepare for ICE audits or raids.

Create A Plan Of Action

- Review Form I-9 records, work visas, and payroll records to ensure compliance. If there is an I-9 audit, the law gives you three workdays to produce forms.
- Create an internal policy to provide employees guidance, including a list of designated staff authorized to engage with ICE during office hours and after hours of operation.
- Employees should have the contact information of designated staff readily available so they can immediately notify designated staff if ICE agents are present.
- Train employees to state they do not have the authority to grant access to enter your workplace or respond to any questions, and employees should refer ICE agents to designated staff.
- Designated staff should receive additional training to practice engaging with ICE agents and to ensure they understand any warrants or documents that ICE may present. Provide designated staff with a contact list to notify the proper supervisor(s) and legal counsel.
- Clearly demarcate what areas on the property are not open to the public. Designated staff should be trained not to permit ICE agents in private areas unless a warrant is presented.
- If a warrant is presented, then designated staff should accompany ICE agents to ensure the inspection does not exceed the areas that may be searched according to the warrant. If ICE agents attempt to search beyond the areas permitted by the warrant, designated staff should verbally object to the search but should not physically interfere.
- Document everything. Designated staff should create a record of any information provided by ICE, collect agent names, and record badge numbers. Immediately after the raid or audit ends, designated staff should prepare a summary for the company's records.

Know Your Individual Rights

- **Right to remain silent.** You and your employees have the right to remain silent. They are not required to disclose their immigration status when interacting with law enforcement unless legally obligated based on their visa status.
- **Right to refuse search without probable cause.** Individuals can refuse a request to search their person or belongings unless there is consent, probable cause, or a warrant.
- **Right to consult an attorney and make a private phone call.**



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