

IMMIGRATION ALERT:**New Department of Homeland Security Memos on Immigration Enforcement**

On February 20, 2017, the Department of Homeland Security Secretary, John Kelly, issued two memos outlining the administration's plan for enforcing U.S. immigration law. The memos call for significantly expanding enforcement of U.S. immigration laws within the U.S. and at the border. For example, the memos call for the following:

- Hiring an additional 5,000 border patrol agents and 500 Air and Marine Agents/Officers to police the border, as well as an additional 10,000 Immigration and Customs Enforcement Officers who are responsible for enforcing immigration laws in the interior of the United States.
- Empowering state and local law enforcement officers to enforce federal immigration laws during the course of routine duties.
- No longer prioritizing only the removal of immigrants with criminal convictions, but instead, treating virtually all foreign nationals without lawful status as an enforcement priority.
- Expanding the use of detention facilities for undocumented foreign nationals apprehended in immigration enforcement activities.
- Planning the design, construction and maintenance of a border wall along the Mexican land border.

Possible action items for employers:

- Make sure you have a strong process for completing I-9 forms (the forms used to verify employee work authorization). Additionally, employers should make sure staff are receiving proper and regular I-9 training, and perform regular internal I-9 audits. We suggest this because the increased enforcement action described above may mean increased workplace I-9 inspections or raids, which can result in fines for employers.
- Consider posting or making available immigrant "Know Your Rights" information at worksites for employees. We have found that many foreign nationals are nervous about the current immigration climate, whether they are lawfully in the United States or not. By posting information about immigrant rights, companies are affirming their support for all employees in their workforce.

We will continue to monitor the changing immigration climate closely and provide updates as they become available. If you have any questions regarding this LEGALcurrents® or would like "Know Your Rights" resources, please do not hesitate to contact any member of our firm's Immigration Practice Area at (585) 232-6500. ■

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